

(b) The second sentence of said section 304 is amended to read as follows: "The Reconstruction Finance Corporation may, with the approval of the Secretary of the Treasury, and under such rules and regulations as he may prescribe, sell in the open market the whole or any part of the preferred stock, capital notes, or debentures of any national banking association, State bank, or trust company acquired by the corporation pursuant to this section."

Such section 304 is further amended by adding at the end thereof the following new sentence:

(c) "As used in this section, the term 'State bank or trust company' shall include other banking corporations engaged in the business of industrial banking and under the supervision of State banking departments or of the Comptroller of the Currency."

The bill was passed.

The title was amended so as to read: "An act to provide for direct loans by Federal Reserve banks to State banks and trust companies in certain cases, and for other purposes."

ORDER OF PROCEDURE

Mr. ROBINSON of Arkansas. Mr. President, if I may have the attention of the Senator from Oregon and other Senators, it is desirable that the committees having jurisdiction of legislation that is deemed of an emergent character should have an opportunity to proceed with their work, and there is no special business to claim the attention of the Senate for the remaining 2 days of this week. I, therefore, ask the following unanimous consent, that when the Senate concludes its labors on this calendar day, it take a recess until 12 o'clock noon next Monday, and that during the recess the Secretary of the Senate may receive and the Vice President may refer to committees any message or messages, bill, or resolution transmitted by the House of Representatives; also, that the Committee on Education and Labor may, if it desires, submit a report to the Secretary of the Senate, and the Secretary of the Senate is authorized to have the same printed.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Arkansas? The Chair hears none, and it is so ordered.

Mr. ROBINSON of Arkansas. I also ask unanimous consent that during the recess the Vice President may sign, as during a session of the Senate, any bill which has passed or which may pass.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER (Mr. BARKLEY in the chair), as in executive session, laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

RECESS TO MONDAY

Mr. ROBINSON of Arkansas. Unless there is some further business to come before the Senate, I move that the Senate take a recess until 12 o'clock Monday.

The motion was agreed to; and the Senate (at 4 o'clock and 55 minutes p.m.) took a recess until Monday, March 27, 1933, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate March 23 (legislative day of Mar. 13, 1933)

MEMBER OF UNITED STATES TARIFF COMMISSION

James W. Collier, of Mississippi, to be a member of the United States Tariff Commission for the remainder of the term expiring June 16, 1937.

MEMBER OF THE FEDERAL RADIO COMMISSION

James H. Hanley, of Nebraska, to be a member of the Federal Radio Commission for the unexpired portion of the term of 6 years from February 24, 1930.

GOVERNOR OF THE TERRITORY OF ALASKA

John W. Troy, of Alaska, to be Governor of the Territory of Alaska vice George A. Parks.

PROMOTIONS IN THE NAVY

Capt. Charles P. Snyder to be rear admiral in the Navy from the 1st day of March 1933.

Commander Herbert S. Babbitt to be a captain in the Navy from the 1st day of March 1933.

Lt. Comdr. Hiester Hoogewerff to be a commander in the Navy from the 1st day of February 1933.

Lt. Comdr. Louis E. Denfeld to be a commander in the Navy from the 1st day of March 1933.

Lt. Comdr. Joseph B. Anderson to be a lieutenant commander in the Navy from the 30th day of June 1931, to correct the date from which he takes rank as previously nominated and confirmed.

Lt. Percival W. Buzby to be a lieutenant commander in the Navy from the 30th day of June 1932.

Lt. William C. Vose to be a lieutenant commander in the Navy from the 23d day of October 1932.

Lt. Harry R. Thurber to be a lieutenant commander in the Navy from the 8th day of November 1932.

Lt. James B. Sykes to be a lieutenant commander in the Navy from the 1st day of December 1932.

Lt. John O. Huse to be a lieutenant commander in the Navy from the 12th day of January 1933.

Lt. (J.G.) Winston P. Folk to be a lieutenant in the Navy from the 14th day of June 1932.

Lt. (J.G.) Thomas H. Dyer to be a lieutenant in the Navy from the 30th day of June 1932.

The following-named lieutenants (junior grade) to be lieutenants in the Navy from the 1st day of January 1933:

John F. Addoms.

Harold H. Tiemroth.

Asst. Dental Surg. Claude E. Adkins (temporary) to be an assistant dental surgeon in the Navy, with the rank of lieutenant (junior grade), from the 2d day of March 1933:

The following-named assistant naval constructors to be naval constructors in the Navy, with the rank of lieutenant, from the 3d day of June 1932:

Clement F. Cotton.

William H. Magruder.

William J. Murphy.

Joseph C. Huske.

Assistant Civil Engineer Carl W. Porter to be a civil engineer in the Navy, with the rank of lieutenant, from the 26th day of February 1933.

Gunner George W. Woolwine to be a chief gunner in the Navy, to rank with but after ensign, from the 2d day of September 1932.

Pharmacist Harry J. Lucy to be a chief pharmacist in the Navy, to rank with but after ensign, from the 23d day of February 1933.

Lt. (J.G.) Donald F. McLean to be a lieutenant in the Navy from the 12th day of January 1933.

MARINE CORPS

First Lt. Monitor Watchman, Jr., to be a captain in the Marine Corps from the 1st day of March 1933.

Second Lt. Carroll Williams to be a first lieutenant in the Marine Corps from the 25th day of February 1933.

Second Lt. Raymond C. Scollin to be a first lieutenant in the Marine Corps from the 1st day of March 1933.

Quartermaster Clerk Albert O. Woodrow to be a chief quartermaster clerk in the Marine Corps, to rank with but after second lieutenant, from the 26th day of January, 1933.

Marine Gunner Charles R. Nordstrom to be a chief marine gunner in the Marine Corps, to rank with but after second lieutenant, from the 9th day of February, 1933.

HOUSE OF REPRESENTATIVES

THURSDAY, MARCH 23, 1933

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D.D., offered the following prayer:

Blessed Father in Heaven, we thank Thee that beyond the night are the open gates of the morning. O Redeemer and Lover of us all, come vitalize, transform, and beautify our souls. We praise Thee for Thy free gift to the world and the exhaustless fountain of divine love and mercy. Quicken in us all those blessed faculties of faith, hope, and love which are the flower and the crown of character. Reinforce

us; spur us on in fresh effort to bring quietude and contentment to the untold throngs and countless homes which must be rescued from the strangling grip of poverty and want. Hear us, gracious Lord. Let us hearken to the words of the Master, "Inasmuch as ye did it unto one of the least of these, ye did it unto me." Amen.

The Journal of the proceedings of yesterday was read and approved.

FARM LEGISLATION—EXTENSION OF REMARKS

Mr. CANNON of Missouri. Mr. Speaker, I ask unanimous consent that my colleague, Mr. SHANNON, who is absent on leave, have consent to extend his remarks in the RECORD to include a letter written to him by the editor of the Kansas City Star on the agricultural bill.

The SPEAKER. Is there objection?

There was no objection.

Mr. SHANNON. Mr. Speaker, under the leave to extend my remarks in the RECORD, I wish to insert the following statement giving the results of a poll of representative farmers, taken by Mr. W. A. Cochel, editor of the Weekly Kansas City Star, and chairman of the agricultural committee of the Kansas City Chamber of Commerce:

For several years those who designate themselves as spokesmen for farmers or for farm organizations have been very active in efforts to obtain farm legislation. The agricultural committee of the Kansas City Chamber of Commerce recently decided to permit the farmers in Missouri, Kansas, Nebraska, Oklahoma, Texas, and Colorado to speak directly for themselves instead of through spokesmen on these four questions:

"Do you believe the agricultural marketing act and the activities of the Federal Farm Board should be continued?"

"Do you favor a domestic-allotment plan?"

"Do you favor the Federal Government attempting to control prices of production through stabilization, allotments, or other schemes to direct price movement against natural influences?"

"Do you favor the Federal Government coming to the aid of farmers in refinancing mortgages and other indebtedness at lower interest rates with extended maturities?"

Every possible effort was made to obtain a fair expression, free from any organized or unorganized influence. Letters were mailed to editors of rural newspapers, bankers in agricultural communities, and county assessors asking them to furnish a list of 25 names of farmers to whom the questions might be submitted. In all, letters went to 484 counties in the 6 States. It was suggested that the names furnished be of those actually engaged in farming, either as renters or owner-operators, without consideration of their political faith, financial standing, or former expression on these subjects. The idea was to procure a list of representative men to whom their neighbors would go for consultation or advice on farm problems. That the list is truly representative is indicated by the receipt of more than 600 letters supplementing the ballots, in which reasons for their attitude toward the questions were given. The letters came from farmers who think clearly. The dominating note was one of discouragement with present conditions, but not one of despair. A surprisingly large percentage expressed the opinion that they would be able to work out of the present difficulties without governmental assistance, except in refinancing farm mortgages. There is almost universal demand for lower taxes, lower salaries of public employees, and lower costs of the things which farmers must buy.

The poll is not fully complete. A few cards are coming in on every mail. A sufficient number of ballots have been received, however, to definitely indicate the train of actual farm thought. It is thought best to give out this report at this time, before any agricultural legislation is passed, so that Members of Congress and others who have the best interest of the farmers at heart may know how the farmers themselves feel about these questions.

On the first question the decision was practically unanimous. In each of the six States and in every county in these States the farmers are against the continuance of the Agricultural Marketing Act and the activities of the Federal Farm Board. The vote was 1,174 yes, 4,397 no.

There were several suggestions on this question indicating that the Marketing Act might be continued with modifying amendments and that a differently constituted Farm Board would be acceptable.

On the second question the decision was approximately 2 to 1 against the domestic-allotment plan. This measure was favored more in Colorado and Texas, where the votes were almost equally divided. The results by States were: Missouri, 25 percent "yes", 75 percent "no"; Kansas, 37 percent "yes", 63 percent "no"; Nebraska, 23 percent "yes", 77 percent "no"; Oklahoma, 49 percent "yes", 51 percent "no"; Texas, 56 percent "yes", 44 percent "no"; Colorado, 49 percent "yes", 51 percent "no."

The 21 counties in Kansas which voted in favor of the allotment were in the Wheat Belt, yet the surprising fact is that even the majority of the wheat-producing counties were against the allotment, although supposedly well-informed men frequently have

stated that as high as 9 percent of the wheat farmers favored this measure.

On the third question which really determined whether farmers were in favor of any efforts on the part of the Government to stimulate prices by stabilization, allotment, or other measures, the vote was quite similar to that on the allotment plan itself.

Every State except Texas voted "no" on this question. In Kansas there were 21 counties which favored governmental action of some sort, compared with 14 counties in Missouri, 2 counties in Nebraska, 28 counties in Texas, 28 counties in Oklahoma, and 14 counties in Colorado.

The outstanding conclusion from the answer to this question is that the large majority of farmers—65 percent—are definitely opposed to governmental action of any sort that will interfere with the natural influences which determine values.

Many of the supplementary letters suggested that governmental activities which sustain prices in other industries, public-service corporations, and transportation should be discontinued to permit a return corresponding to that received by farmers for their efforts. Restoration of the purchasing power of the farm dollar is demanded without qualification. On question 4, which pertains to farm mortgages, the vote was most decisive. Every State and every county gave a majority favoring a lower rate of interest and a longer period of time for the payment of farm mortgages. The vote on this question was 5,019 "yes", and 681 "no."

Many letters accompanying the ballots indicated that there was also a necessity of reducing the face value of the loans as well as the rate of interest and extension of dates of payment. A few indicated that it might be better to permit liquidation to go through, even though many individuals would suffer, so that farming in the future would not be handicapped by the necessity of earning returns on an excessive valuation.

In reviewing the letters and comments it was found that practically every measure ever proposed for the relief of agriculture was suggested. There are still some who believe in the equalization fee or the export debenture; others in fixing prices above production costs or controlling acreage or production by governmental edict. The suggestion that each farmer be permitted to market a definite and predetermined amount of commodities without any restriction and that a heavy tax be assumed against production in excess of that amount was occasionally expressed.

There is much criticism of the Government's financing inefficient producers through crop and seed loans, encouraging greater production through agricultural research and extension agencies, protecting banks, railroads, and insurance companies through loans from the Reconstruction Finance Corporation and deflating values of agricultural products through the Federal Reserve banks. Packers, millers, grain and livestock exchanges were criticized in a few letters. In several instances farmers were outspoken in their declarations that farm leaders in Washington do not represent the sentiment of those actually engaged in farming as a means of livelihood. In no case, however, was there any semblance of a majority who hold such views.

The letters clearly indicate that those who live on and operate the land and who depend upon production of farm commodities through their own efforts are thinking clearly and weighing their decisions carefully. They are particularly anxious that measures which might give temporary relief, yet be detrimental in the end, should not be enacted.

No one could go over these ballots and the letters accompanying them without reassurance that farm problems presented to actual farmers would be decided wisely and without detriment to those engaged in other lines of industry or business.

SALE OF BEER IN THE DISTRICT OF COLUMBIA

Mr. O'CONNOR. Mr. Speaker, I call up House Resolution 71, a privileged resolution from the Committee on Rules, which I send to the desk and ask to have read.

The Clerk read as follows:

House Resolution 71

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H.R. 3342, a bill to provide revenue for the District of Columbia by the taxation of beverages, and for other purposes. That after general debate, which shall be confined to the bill and shall continue not to exceed 1 hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on the District of Columbia, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill for amendment the committee shall rise and report the bill back to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and the amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. BLANTON. Mr. Speaker, if the gentleman from New York, in charge of the rule, will permit, yesterday when the gentleman from New York asked unanimous consent to have until midnight to file this rule, it was granted to him upon the assurance by both him and by our majority leader that this bill would be called up and sent to the Committee of the Whole House on the state of the Union under the regular

rules of the House, which allow those who are against the bill to be heard in their own right with an equal division of time. This rule which has just been read violates that agreement and sets aside all of the usual rules of the House respecting debates, and provides that an hour of general debate only is to be had, all of which allotted to the Democratic side of the House is to be controlled wholly by Members who are in favor of the bill. The time allowed for debate on the bill is only 1 hour, and under the general rules of the House there should be at least 2 hours in the Committee of the Whole. Under this rule we are confined to 1 hour. Half of that time at least ought to be controlled absolutely by those who are against the bill.

Mr. O'CONNOR. Mr. Speaker, in answer to the gentleman, when he made the inquiry yesterday whether or not this bill would be considered under the general rules of the House, I thought he had in mind that the bill would be taken up in the Committee of the Whole and read for amendment; and that is the only thought I had when I said "yes." As to the division of the time, the Rules Committee has brought in a rule, not setting aside all of the rules of the House, setting aside no rule of the House, as far as I know, but dividing the time in the ordinary method when rules are presented. The Rules Committee does not know whether the chairman or the ranking member is for or against the bill. The usual rule provides that the time be equally divided between the chairman of the committee and the ranking minority member. No one is more in favor than I of having the opponents control one half of the time.

Mr. BLANTON. Can we not have unanimous consent now that that should be done?

Mr. O'CONNOR. The Rules Committee does not control that.

Mr. BLANTON. Mr. Speaker, the chairman of the Committee on the District assures me that that will be done, and that is all I want.

Mr. O'CONNOR. Does the gentleman from Pennsylvania [Mr. RANSLEY] desire any time?

Mr. RANSLEY. There is little or no demand for time on this side. I would suggest that we be granted 10 minutes.

Mr. O'CONNOR. Mr. Speaker, I yield 10 minutes to the gentleman from Pennsylvania [Mr. RANSLEY].

Mr. RANSLEY. That will be satisfactory.

Mr. O'CONNOR. Mr. Speaker, this rule provides for the consideration of what is known as the District of Columbia beer bill. The rule provides for 1 hour of general debate, after which the bill will be read under the 5-minute rule for amendment. The necessity for the bill arises as it does in every State in the Union. After the passage of the national beer bill, which was signed by the President yesterday, each State is preparing by appropriate legislation to arrange for the sale and distribution of this beverage. The District of Columbia is in the same position as the States, and needs such a bill. I have read the bill. It will be explained to you fully. Some of us who have lived with this question for many years have taken an interest in certain features of any licensing system.

I call to the attention of the committee in charge of the bill what many have believed for years are the important features of such a bill. In the first place, the licenses should be high, just as high as the traffic will bear. In this bill I notice there is an "on sale" license of \$100 for restaurants, and so forth, where it is sold on the premises. I believe that is ridiculously low.

In the next place, I believe the penalties should be made severe. The penalties for any violation of the provisions of this act should be most severe. I have always wanted to see in a State or in the District of Columbia a licensing bill which had a penalty running against the premises rather than against the person. For instance, if a person violates the license in a particular location, no further license should be granted to that place as well as not to the person.

I believe further that every effort should be made to prohibit the brewers from obtaining a monopoly of this business.

The beer bill does provide that no brewer shall have any interest in any retail place. I believe that should be

strengthened, so that there is no possibility of a brewery running a chain of restaurants or so-called "saloons."

Mr. MAY. Mr. Speaker, will the gentleman yield?

Mr. O'CONNOR. Yes.

Mr. MAY. Does not the gentleman think that if the penalty is provided against the place and not against the person also it would work against the enforcement of the act by reason of the fact that a man might abandon that place and go to another place and still be a violator of the law?

Mr. O'CONNOR. If he is a violator of the law himself he is not going to get a license, if they enforce the law. If you will put a penalty against the place, then you will cause the landlord to be a little more careful. I do not want to see the sale of this beer used as a cover for selling spirituous liquors.

Mr. MAY. I believe that is right; but I believe that if the person is made responsible instead of the place it would have a better effect, because if the place is made responsible the person can shift from place to place.

Mr. O'CONNOR. Of course, we cannot always prevent the intricacies of deceit that human nature is capable of, but we can do the best we can.

I do hope the committee will use every effort to prevent monopolies. The curse of the old system was the fact that the brewers owned all the saloons.

A further provision in the bill which I hope the committee will pay some attention to, as well as the gentleman from Texas and others interested in seeing that this business is conducted properly, is the provision that no license shall be granted to a felon. If you will recall the O'Connor-Hull beer bill, on which we voted last year but which failed to pass, we also provided that if a felon was knowingly employed on the premises the license would be revoked. That prevents the racketeer from being employed as a bartender or around the place.

Mr. BLANTON. Will the gentleman yield?

Mr. O'CONNOR. I yield.

Mr. BLANTON. That revolves around what is a felon. In some jurisdictions for the same offense one Federal judge will make an offender a felon by sending him to the penitentiary for a year. Another Federal judge will merely fine an identical offender \$500. How are we going to distinguish between the two, which is a felon and which is not?

Mr. O'CONNOR. Well, we are talking about the District of Columbia.

Mr. BLANTON. There is a part of this bill that the committee proposes to strike out which would prevent a license being granted to one convicted of violating the misdemeanor laws of the country.

Mr. O'CONNOR. The prohibition laws.

Mr. BLANTON. Yes; the prohibition laws, respecting misdemeanors.

Mr. O'CONNOR. I agree with the gentleman. I would not grant a license to anybody who has heretofore violated the felony provisions of the prohibition laws.

Mr. BLANTON. Then we should put that provision back in the bill. I am glad to hear the gentleman from New York say that.

Mr. O'CONNOR. I do not understand who pays the barrel tax, according to this bill. I might ask some member of the committee. Is it the brewer or the licensee?

Mr. PALMISANO. It is the licensee.

Mr. O'CONNOR. Well, that is an odd thing. I would make the brewer pay the barrel tax before the barrel leaves the brewery.

I would like to call attention to another thing, and I do not presume to intrude on your jurisdiction, but there is a provision here for licensing "incorporated clubs." That does not mean anything unless you do what we did a year ago in the O'Connor-Hull beer bill, that is, make a minimum membership fee of that club at least \$15 a year, payable in one sum. Then you will stop the creation of these clubs where they go in and pay a dollar admission. Make it an annual fee of \$15, payable in one sum, before it can be considered a club to which a license is to be granted.

I believe the effective date of the bill should coincide with April 7.

I hope the committee does work out a real beer bill for the District of Columbia, a bill that is fair, a bill that will not permit the old conditions to exist, a bill that will not in any way interfere with our ultimate goal, namely, the repeal of the eighteenth amendment. [Applause.]

Mr. Speaker, I reserve the balance of my time.

Mr. RANSLEY. Mr. Speaker, there are no requests for time on this side.

Mr. O'CONNOR. Mr. Speaker, I yield to the gentleman from Texas [Mr. STRONG] such time as he may desire.

Mr. STRONG of Texas. Mr. Speaker, I just want to announce that I am against this bill, and I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Without objection it is so ordered.

There was no objection.

Mr. STRONG of Texas. Mr. Speaker, prohibitionists have never claimed that prohibition of the liquor traffic is a cure for all our political ills, but it is one issue which, if put into effect, will bring prosperity and happiness to more homes and the greatest number of people throughout the Nation than all other issues combined.

Since the adoption of the eighteenth amendment hundreds of thousands of children are attending the schools who could not attend before on account of not having the necessary clothing to wear. These children were poorly clad, and largely deprived of food, and could not attend school; therefore they were cheated out of an education, food, and clothing. And since the adoption of the eighteenth amendment our colleges and universities throughout the Nation are simply overflowing with young men and young women, the attendance upon these institutions being larger than ever before within the history of our country. If I were to say nothing more, the facts I have stated are sufficient to cause the eighteenth amendment and the Volstead law to remain intact for all time to come.

I want to add, if this bill becomes law it will cheat thousands of children in the Capital City of our beloved Nation out of clothing, food, and shelter—and an education. To say this will be a crime is stating the matter very mildly indeed, therefore I cannot vote for a bill which I know will bring such havoc to the children of this great city along with ruin, degradation, and shame to thousands of homes.

In my State we began to try and curb the evils of the liquor traffic by what we termed "local option." The citizens of counties, and subdivisions of counties, would vote to prohibit the legalizing of the liquor traffic therein. The liquor interests, of course, fought local option bitterly, and their main claim was the law could not be enforced. Many counties in Texas were made dry under the local-option system, but opponents of the law did all in their power to cause the same to fail by giving all aid possible to the bootlegger and other illegal dealers in intoxicating liquor. Through such procedure they caused many counties of the State to repudiate local option, by voting to reinstate the legalized liquor traffic, but invariably such counties, soon as another election could be ordered, would reinstate local option, and the liquor question in those counties was settled for all time.

I have mentioned this to say, if the eighteenth amendment were to be repealed for 1 year, it would then be unanimously readopted by the State, and if the prohibition question would be settled in this country as long as our Government existed; for, I feel sure, the wettest of the wets after 1 year's repeal of the eighteenth amendment would never again favor legalizing the liquor traffic. I sometimes feel I would like to see the eighteenth amendment repealed for 1 year in order to get the liquor question out of the way, so that Congress could proceed with progressive measures which would cause our Nation to forge to the front as never before in its history. But when I consider the want, woe, and misery it would bring to innocent women and children of the Nation, and the added expense to the Government, I am constrained to continue the battle for the retention of our Constitution and laws as they now exist.

Besides the great suffering brought to humanity through repeal of the eighteenth amendment, the additional expenses brought to the Federal and local Governments would be enormous.

A wrecking crew would have to be maintained upon practically every mile of the highways throughout the Nation in order to keep the highways cleared of wrecks so traffic could proceed. When I consider all this I feel the price is too great to pay for the repeal of the eighteenth amendment for only 1 year, and we must battle for its retention and elect public officials who have respect for their oath of office and who will see to it that the Constitution and laws of our country are respected and obeyed.

It is being urged here today that Congress pass this bill allowing 3.2 percent beer to be manufactured and sold in the District of Columbia. I am sure if this bill becomes law it will bring much suffering to many of the homes of Washington and will benefit no one except the brewer and the agents of the breweries who sell the beer allowed under this bill. Everybody knows there can be all the beer manufactured today under existing laws that it is possible for all the brewers of the Nation to manufacture. This beer if manufactured under existing laws would contain only one half of 1 percent alcohol and does not have the "kick" that the brewers claim is demanded. They know the beer allowed under this bill now pending will be intoxicating and therefore in direct violation of the Constitution of the United States, and it is really puzzling to me how any Member of this House who has taken the solemn oath to uphold the Constitution and laws of our country can vote for such a measure, which if it becomes a law will bring nothing but ruin, degradation, and shame to multiplied thousands of homes of this the Capital City of the greatest Nation on earth.

Mr. O'CONNOR. Mr. Speaker, I move the previous question on the passage of the resolution.

The previous question was ordered.

The resolution was agreed to.

Mrs. NORTON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 3342) to provide revenue for the District of Columbia by the taxation of beverages, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H.R. 3342, the District of Columbia beer bill, with Mr. JONES in the chair.

The Clerk read the title of the bill.

Mrs. NORTON. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

Mr. BLANTON. Reserving the right to object, with the understanding that it be printed in the RECORD at this point, I will have no objection.

Mrs. NORTON. That is satisfactory.

The CHAIRMAN. Is there objection to the request of the lady from New Jersey?

There was no objection.

The bill H.R. 3342 is as follows:

Be it enacted, etc., That the term "beverages" as used in this act shall include beer, lager beer, ale, porter, and other brewed or fermented beverages containing one half of 1 percent or more of alcohol by volume but not more than 3.2 percent of alcohol by weight.

SEC. 2. The Commissioners of the District of Columbia are authorized to issue licenses to persons, firms, corporations, or associations on application duly made therefor for the sale of beverages within the District of Columbia, subject, however, to the limitations and restrictions imposed by this act. The Commissioners shall keep a full record of all applications for licenses, of all recommendations for and remonstrances against the granting of licenses, and of the action taken thereon. The Commissioners may employ such clerical and other assistants as may be necessary to properly inspect and supervise the operations of licensees under this act. The salaries and expenses incident to such work shall be fixed by the Commissioners and paid from the funds arising from license fees under this act.

SEC. 3. It shall be lawful for any brewer or manufacturer to brew within the District of Columbia and sell to licensees any

beverage or beverages authorized to be manufactured or brewed by the laws of the United States of America.

SEC. 4. Any person, firm, corporation, or association desiring a license for the sale of beverages under this act shall file with the Commissioners of the District of Columbia an application therefor in such form as the Commissioners may prescribe. The application shall designate the kind of license desired. Before the license is issued the Commissioners shall satisfy themselves of the moral character and financial responsibility of the applicant, appropriateness of the location where such licensed business is to be conducted, taking into consideration the number of such licenses already issued, and generally as to the applicant's fitness for the trust to be reposed. Before any license is issued under this act the Commissioners shall determine the whole number of licenses to be issued within the District. Each license shall designate the place of business of the licensee. Each application for a license shall contain:

First. The name and residence of the applicant and how long he has resided within the District of Columbia.

Second. The particular place for which a license is desired designating the same by street and number if practicable; if not, by such other apt description as definitely locates it.

Third. The name of the owner of the premises upon which the business licensed is to be carried on.

Fourth. A statement that the applicant is a citizen of the United States and not less than 21 years of age, and that such applicant has never been convicted of a felony, or been adjudged guilty of violating the laws governing the sale of intoxicating liquors or for the prevention of gambling in the District of Columbia.

Fifth. This application must be verified by the affidavit of the petitioner made before a notary public or other person duly authorized by law to administer oaths. If any false statement is made in any part of said application the applicant or applicants shall be deemed guilty of perjury, and upon conviction thereof the license shall be revoked and the applicant subjected to the penalties provided by law for that crime.

Sixth. That the applicant is not the owner of or licensee named in any license then in force.

Seventh. That he intends to carry on the business authorized by the license for himself and not as an agent of any other person, and that if licensed he will carry on such for himself and not as the agent for any other person.

Eighth. That the applicant intends to superintend in person the management of the business licensed and that if so licensed he will superintend in person the management of the business.

SEC. 5. Licenses issued under authority of this act shall be of two kinds: (a) "On sale" licenses, which shall permit the licensee to sell beverages for consumption on the premises only; and (b) "Off sale" licenses, which shall permit the licensee to sell beverages in original packages for consumption off the premises only.

SEC. 6. All applicants for "on sale" licenses shall pay to the District of Columbia a license fee of \$100 per annum, the same to be paid before the license is issued. "Off sale" license fees shall be \$25 per annum, payable in like manner. Each kind of license shall be good for 1 year from its date unless sooner revoked by the Commissioners of the District of Columbia.

SEC. 7. "On sale" licenses shall be granted only to bona-fide restaurants, incorporated clubs, and/or hotels. "On sale" licensees may serve beverages to bona-fide guests only, to be consumed at regular public tables, or, in case of hotels, may be served in guests' rooms. It shall be the duty of the Commissioners to have frequent inspections made of premises of "on sale" licensees and if it is found that any such licensee is violating any of the provisions of this act or the regulations of the Commissioner's promulgated hereunder or is failing to observe in good faith the purposes of the act, such license may be revoked after the licensee is given an opportunity to be heard in his defense.

SEC. 8. There shall be levied and collected from each licensee by the District of Columbia on all beverages sold with said District as authorized by this act a tax of \$1.20 for every barrel containing not more than 31 gallons, and a like rate for any other quantity or fractional part. Said tax shall be paid on or before the 15th day of each month for beverages sold to or purchased by the licensee during the preceding calendar month.

SEC. 9. No person, firm, association, or corporation shall sell or offer for sale by retail within the District of Columbia any beverage without having first obtained a license so to do. No brewer, wholesaler, or distributor shall sell or deliver any beverage within the District of Columbia to any person other than a licensee.

SEC. 10. No manufacturer of beverages outside the District of Columbia shall bring into the District and sell or offer for sale to licensees any beverage without a permit having first been obtained from the Commissioners of the District of Columbia, and an agreement on the part of the permittee that a monthly report, under oath, of the quantity of beverages shipped into the District of Columbia and to whom sold and delivered will be submitted to the assessor of the District of Columbia.

SEC. 11. Each licensee shall on or before the 10th day of each month submit on forms to be prescribed by the Commissioners a statement showing the quantity of beverages purchased during the preceding calendar month.

SEC. 12. No brewer, manufacturer, wholesaler, or distributor shall have any direct or indirect financial interest in the business of any licensee.

SEC. 13. All brewers, wholesalers, or distributors of beverages within the District of Columbia shall furnish to the assessor of the

District of Columbia on or before the 10th day of each month a statement under oath showing the quantity of beverages sold during the preceding calendar month to each and every licensee within the District of Columbia.

SEC. 14. The Commissioners of the District of Columbia are hereby authorized to promulgate rules and regulations, not inconsistent with law, for the issuance of licenses and for the operation of all businesses by licensees. Said regulations may be modified from time to time as the Commissioners may deem desirable.

SEC. 15. Any person who shall violate any of the provisions of this act shall, upon conviction by a court of competent jurisdiction, be punished by a fine not exceeding \$1,000 or imprisonment in jail for 1 year, or both fine and imprisonment, in the discretion of the court, and in case of a licensee his license shall be revoked for a period of 1 year. If any licensee shall willfully violate the regulations duly issued and promulgated by the Commissioners of the District of Columbia, the Commissioners may, after proper hearing, revoke the license for the period of 1 year. In case any licensee is convicted of the violation of the terms of this act the court shall immediately declare his license revoked and notify the Commissioners accordingly. Any licensee who shall sell or permit the sale of any alcoholic beverages not authorized under the terms of this act on his premises or in connection with his business or otherwise shall, upon conviction, forfeit his license and shall, in addition thereto, be fined \$1,000 or imprisoned for 1 year, or both fine and imprisonment, in the discretion of the court.

SEC. 16. The act of Congress approved March 3, 1917, entitled "An act to prohibit the manufacture and sale of alcoholic liquors in the District of Columbia, and for other purposes", with the exception of sections 11 and 20 thereof, is hereby repealed.

Mrs. NORTON. Mr. Chairman, I yield myself 30 minutes and I yield 30 minutes to the gentleman from Texas [Mr. BLANTON].

The CHAIRMAN. The Chair understands that under the rule the lady from New Jersey does not have that much time to yield. The lady has 30 minutes.

Mr. SNELL. Mr. Chairman, I think the ranking minority Member should have that 30 minutes. If he is not dry, we will try to present someone who is qualified.

Mrs. NORTON. I heartily agree with the gentleman.

The CHAIRMAN. The lady from New Jersey will be recognized for 30 minutes, and the gentleman from New York [Mr. STALKER] will be recognized for 30 minutes, under the rule.

Mrs. NORTON. Mr. Chairman, I yield 10 minutes to the gentleman from Texas [Mr. BLANTON].

Mr. BLANTON. Mr. Chairman, I reserve my time until we hear from the proponents.

Mr. GOSS. Mr. Chairman, a point of order. I do not understand that the gentleman can reserve his time.

The CHAIRMAN. Does the lady from New Jersey agree that the gentleman from Texas may reserve his time?

Mrs. NORTON. No. The gentleman from Texas has asked me to yield him time, and I have done so. I prefer that he use the time now.

Mr. BLANTON. Mr. Chairman, it was understood this time was to be parceled out. I have promised part of my time to some of my colleagues.

The CHAIRMAN. The gentleman does not have the right to yield in the second degree.

Mr. WITHROW. Mr. Chairman, I demand the regular order.

Mr. BLANTON. Mr. Chairman, I ask unanimous consent, in view of the fact that unanimous consent was granted the gentleman from New York last night to file this rule with the understanding that we should have the right to parcel out our own time, that we who are granted time now be permitted to parcel it out.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

Mr. GOSS. Mr. Chairman, I object.

Mr. BLANTON. Well, Mr. Chairman, I can use 10 minutes on this bill without any trouble at all.

Mr. Chairman, when the Borah amendment which prevented the sale of intoxicating beer in beer joints to little girls and boys was stricken out of the Cullen bill, the only excuse on earth that was given for its elimination was the fact the States themselves would control by proper regulation sale to persons and the legislature of each State could prevent sale to minors. Now, this does not apply to the 10-mile square known as the District of Columbia, which is the seat of this Government. We are sitting here to-day

legislating for Washington, the District of Columbia, just like a legislature legislates for the State; and just as a State legislature would make proper regulation for the sale of intoxicating liquors within its borders, it is the duty of Congress now as the legislature for the District of Columbia to make proper regulation respecting the sale of intoxicating liquors in this District.

I am glad to say the stock of my friend from New York [Mr. O'CONNOR] went up considerably, in my estimation, today when he frankly asserted that no felon and no violator of the prohibition law should be granted a license. This bill provides that no license shall be granted to a felon, but the provision in the bill which prevents licenses being granted to those who have violated the law in lesser degree than that of felony has been stricken out by the committee as a proposed committee amendment. It ought to be put back, because in different jurisdictions people guilty of the same offense have been punished in different ways, so that one has been made a felon and one not. There are Federal district judges in the different parts of the United States, even in the city of Washington, who in the case of two people found guilty of similar offenses will make of one man a felon by sentencing him to a year in the penitentiary where the other is not made a felon but is adjudged guilty of a misdemeanor and only fined from \$50 to \$500, yet one is just as guilty of moral turpitude as the other. Both should be treated alike. A license should not be granted to a man who has violated the prohibition law, because if he violates it one time he likely will violate it again.

I am going to ask for a rising vote on this proposed committee amendment. We ought to vote it down and leave this provision in the bill. Those who first wrote the bill wisely put it in. And it was in the bill which this committee favorably reported in the last Congress.

One other matter to which I wish to call attention is the Borah amendment that was stricken out of the Cullen beer bill, which I mentioned a while ago. We must put it in this bill because no State legislature can protect the children of Washington. If you do not put the Borah amendment in this bill, you will find that beer joints all over Washington will sell intoxicating beer to little children, to little boys and girls, 10 and 12 years old, in the graded schools of Washington. Do you want to do this? If you do, I want to ask you this question: Could you have gone to your closet last night and knelt on your knees and said, "Almighty God, tomorrow I am going to vote a pass a beer bill. Please help me not to protect the little children."

Could you have asked Almighty God that last night?

Could you have said, "Please lead me in voting against the amendment that would keep beer from being sold to children."

Is there a man or a woman in this House willing that intoxicating beer be sold to the children of the Nation's Capital? There are 79,000 children in Washington. I am not willing that it should be done.

Mr. COCHRAN of Missouri. Mr. Chairman, will the gentleman yield?

Mr. BLANTON. My time is very limited, but I yield to my good friend, the distinguished gentleman from Missouri.

Mr. COCHRAN of Missouri. I may say to the gentleman from Texas I hope those who are classed as wets in this House will join in trying to make this a model bill to be copied by all the States. However, I cannot see where the gentleman's argument is sound, when the Congress says this beer is not intoxicating, to then try to put something into the bill saying that it is intoxicating.

Mr. BLANTON. Mr. Chairman, usually our friend from Missouri is one of the keenest minds in this House. He has an unusually keen intellect. He is a most valuable legislator here on most subjects, but he is not fooling himself now when he intimates this beer is not to be intoxicating.

Mr. COCHRAN of Missouri. The gentleman from Missouri weighs over 140 pounds, I may say to the gentleman from Texas.

Mr. BLANTON. If he were to assure his wet constituents back in Missouri that he was going to put on them a beer

on April 7 that was not intoxicating, they would flood him with telegrams of protest.

Is there a man in this House who will get up here and say that he does not think there is to be the usual kick in this beer? Oh, we all know it is going to have in it the same old kick. We know what the courts have held. We know what the scientists have held. We are acquainted with this beer. We have seen it operate. We have got common sense. We all know this beer is to be intoxicating.

You are framing a law right now—the only law—that is to handle this beer traffic in the District of Columbia. If you do not pass this law they can not sell beer in Washington. Whether or not they sell beer in Washington, and when, and how, and to whom they sell, depends upon the action you take on this bill. If you do not provide in this bill that they can sell beer to children in Washington, then there will be no beer sold here to children. There was a time in the past when beer and other liquors were sold in this Capitol Building, and we have heard weird tales of some statesmen perambulating across the floor when their gait was not steady. We have all been proud of a sober Congress during all these years of national prohibition. Do you want the time to come again when beer is sold downstairs and when some colleague might embarrass his district by taking on more than his 140 pounds, or his 240 pounds, is able to assimilate? Would we not feel responsible? I do not want this to take place in the great House of Representatives.

Mr. CLAIBORNE. Will the gentleman yield for a question?

Mr. BLANTON. Certainly.

Mr. CLAIBORNE. Were they not among the ablest men in the body? [Laughter and applause.]

Mr. BLANTON. Possibly, but alcohol did not increase the quality of their intellect. One of the greatest criminal lawyers I ever knew started out believing he could not try a case without a couple of drinks. He was most eloquent. He was convincing. He was powerful. After a while he had to have 3 drinks and then he had to have 4 before he could properly handle his case. He was a wonderful advocate before a jury and had remarkable success. As the years went by he got so he could not carry enough bottles to get him through a trial, and the first thing we knew any two-bit lawyer in the city could beat him in a case. He went all to pieces. Just think of what he could have been if he had only let it alone.

Oh, it keeps you up for a while and able-bodied men can drink it for a while and get away with it, but if they drink it too long they cease to be able-bodied and cease to be able-minded men.

Mr. CLAIBORNE. You do not want to live forever. [Laughter.]

Mr. BLANTON. I want to say to my friend that one of my wet colleagues asked me yesterday:

Tom, how on earth do you have a good time when you do not drink.

I wish he knew. Why, I have as good a time as you do, but I have a sober mind to help me to enjoy it. Some men get so sometimes that they can not tell whether they are having a good time or a bad one. I am always in a condition of mind to know whether it is a good or bad time I am having, and so I enjoy myself more. And I do not have to suffer any bad effects that follow some good times.

I want to help make this bill as unobjectionable as possible, and then on final passage I shall vote against this bill, Mr. Chairman.

[Here the gavel fell.]

Mr. STALKER. Mr. Chairman, I yield 5 minutes to the gentleman from Texas [Mr. McFARLANE].

Mr. McFARLANE. Mr. Chairman, I believe we are all of one accord as to what the result will be on this beer bill. We have had this legislation before us, and about every other relief measure is a beer measure, and I think after you enact this measure and turn the flowing suds loose here within the Capital as it was of old, most of the laboring people will be relieved, and the brewers will be enriched.

It has been many years since there was a bar operating on the first floor of the Capitol. I was born and reared to early manhood in the district that sent to this body the man who offered the legislation that drove saloons out of the Capitol of the United States.

I trust in the consideration of this measure we will consider the measure carefully and place the proper safeguards around it so that no such beverages may be sold in the Capitol buildings and so that the boys and girls of the District of Columbia will be protected and not be allowed to go into these drinking places where the beverage permitted under this measure will be sold, when I know and you know that if it did not have a kick in it those who are wet and want something with a kick would not be satisfied with it; and if it does have a kick in it, it is a nullification of the Constitution of the United States and an open violation of the oath that each and every one of us took when we stood here and held up our hands and said we would enforce the Constitution of the United States.

The principal argument, I may say, that has been made here upon the floor has been that it is a tax measure and will add to the coffers of the Treasury of the United States. Mr. Speaker, is our Treasury so destitute of funds that we need to collect money by such a measure as this, which, I believe, will not redound to our benefit in future years as a legislative proposition?

When you consider the argument with respect to unemployment, the records of this House show from the hearings that have been held on this measure that there has never been employed in the brewing industry during the time beer was sold throughout the United States as many as 100,000 men, according to the testimony of Prof. Ernest Smith Bradford, consulting economist of the College of the City of New York. So it could not help the 12,000,000 unemployed who to-day are walking our streets crying for bread. It seems to me that it is a violation of our constitutional oath, and I therefore shall vote against it. [Applause.]

Mrs. NORTON. Mr. Chairman, I yield 5 minutes to the gentleman from Maryland [Mr. PALMISANO].

Mr. PALMISANO. Mr. Chairman, ladies, and gentlemen, I want to address myself particularly to the new Members of the House with reference to the gentleman from Texas, who tells us that we want to permit felons and criminals to obtain licenses.

You would think, to hear the gentleman from Texas, that he is 100-percent law abiding and that everyone who voted for this measure is not a law-abiding Congressman.

I recall when I first came on the floor of this House 6 years ago I asked for an investigation of the Prohibition Department for Maryland and the District of Columbia. In that petition or resolution I offered I stated the facts where a man was indicted for assault on two women, and where an agent had been convicted of highway robbery in the State of Maryland and sentenced for 6 years, and they were operating as agents of the prohibition law. The gentleman from Texas defended that group.

Mr. BLANTON. What group? I defended no such group.

Mr. PALMISANO. It was when I made my maiden speech on the floor, and the Record will show that he directly, by his defense, opposed my resolution and defended that group.

Mr. BLANTON. When and where? The gentleman is all mixed up on his facts. He should refresh his memory.

Mr. PALMISANO. I want to say in reply to the gentleman from Texas the other day, when he said that I was a former bartender, that I extended my remarks, and also stated to the gentleman verbally that I was going to do so, and that I tried to have taken out of the prohibition department this same man, who gained some respectability by being placed in the prohibition department and being defended by the gentleman from Texas, and that he was able to deceive a widow and afterwards drown the widow and her child in Virginia waters, to obtain insurance on her life.

Mr. BLANTON. I never defended such a man in my whole life. I did defend the Methodist Church, the Baptist Church, the Presbyterian Church, and several million good people who were affiliated with the Anti-Saloon League.

Mr. PALMISANO. But the gentleman opposed by resolution on the floor of Congress, and the gentleman questioned me at the time I took the floor. I say to you that the gentleman from Texas never hesitated, never inquired into the reputation of this man in the prohibition department.

So, so far as you new Members of the House are concerned, you need not pay any attention to what the gentleman from Texas says, that we want criminals to obtain a license.

The whole question about that provision is this: In the old days and today you have a provision in the bill that a man who has been violating the rules and the license law under this bill will have his license revoked. If the Commissioner sees fit a year hence, and the man is able to show that he has reformed, the commissioner may issue another license to that individual. We place that discretion in the hands of the Commissioner because they know more about this than we do. The Commissioners may permit a man who has violated the law once—he may have bought a pint of liquor and gone to a party and been arrested, or something of that kind, but under the law he is a criminal, but if he has become a law-abiding citizen, they could permit him to return and issue a license the second time. So the Commissioners have a right to say, after a man has once been convicted of a misdemeanor, whether they will give him at some future time a license.

We want to give the Commissioners all of the power that we possibly can give them.

Mr. HOEPEL. Mr. Chairman, will the gentleman yield?

Mr. PALMISANO. Yes.

Mr. HOEPEL. Mr. Chairman, as I understand this bill, page 4, section 8, it provides for chain saloons. I would like to have that provision explained.

Mr. PALMISANO. Mr. Chairman, there will be an amendment here to strike out all of that provision.

The CHAIRMAN. The time of the gentleman from Maryland has again expired.

Mr. STALKER. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois [Mr. DIRKSEN].

Mr. DIRKSEN. Mr. Chairman and members of the committee, when Columbus started out back in 1492 with three schooners, we heard the first of a dry land from a man sitting up in the crow's nest, who probably enunciated that fact to the mariners who were down on the deck. And from that day to this, this body and a great many other deliberative bodies have been inspired with talk about beer. But that is not the particular question before the House this morning. I assume, of course, that if Hamlet could come in here from Denmark with a New York accent he might say, "To beer or not to beer, that is the question." But as a matter of fact, that is not the question, because beer as such is now conceded; nor is it a question of alcoholic content in the bill under consideration. Rather, I should say, it goes to the amendment proposed by the gentleman from Texas relative to precluding beer that might be dispensed to what he calls children in the District of Columbia, and I suppose he has in mind the age limit of 16 years. I have been reared as a good Presbyterian, and yet I am in favor of this bill. I have a family, and I am mindful of and have a proper solicitude for my family, as does every other father. I do not want to foist on the mothers and fathers of the District of Columbia anything that I think might be vicious, but, so far as 16-year-old boys and girls are concerned, it should be borne in mind that they have grown up along with the country and there is a certain sophistication about them that is not to be found in those of similar age in past generations. I am free to admit that the youth of today knows infinitely more, and that it is infinitely cleverer and smarter than the youth of corresponding age of any other generation. I should be rather ashamed of the Pennsylvania Avenue flappers and the drug-store cowboys in Washington if they could not properly comport themselves when this nonintoxicating beer is ultimately dished up.

As a matter of fact, would you rather continue to sprinkle them with this bad Maryland rye that comes in here, or

prefer to give them a wholesome tonic in what we call non-intoxicating beer? When I think of that, and think of the remarks that the gentleman from Texas has so honestly and sincerely made in this body, I think about the two sons of the Baptist minister who were getting ready to baptize a litter of kittens. After they had immersed the kittens in water, they decided to baptize the mother cat, but she began to protest and to yowl and scratch. Finally they gave it up, laid her over to one side, and one boy said to the other, "Well, Jimmy, I suppose we might just as well sprinkle that cat a little bit and let her go to hell." And so it is here. Are we going to save the youth of the District with good wholesome beer, or are we going to let them go to hell with bad booze that is obtainable here anyway at any time. I am opposed to restricting or adding any red tape to the bill now under consideration. The whole history of prohibition abuses, as a matter of fact, has resulted from the fact that there have been so many restrictions, and that such restrictions have challenged not only human ingenuity but youthful ingenuity as well. It is only 5 miles to the Maryland line. If they can not get beer here in the District of Columbia, they will get it over there, or they will drive many miles and go to Pennsylvania and get it. They will get it, because that is the nature of the young man and young woman of today. After all, why try to transfer the authority for raising children in a proper and decorous way from the fathers and mothers and seek to effectuate that sort of thing through some legalistic instrumentality? Is it not a fact that all these restrictions and all the provisions that have sought to deal with private conduct and behavior have always resulted in inspiring that human challenge and have gone for naught? For that reason I object to placing any further restrictions in this bill with respect to the young men and women of the District. [Applause.]

Mrs. NORTON. Mr. Chairman, I yield 2 minutes to the gentleman from Kentucky [Mr. May].

Mr. MAY. Mr. Chairman, ladies and gentlemen of the committee, long before the Democratic National Convention of last June, and as far back as 1928, I was battling for repeal of the eighteenth amendment and the modification of the Volstead Act, because I believed then, as I believe now, that that character of legislation is contrary to the fundamental principles of this Government. My concern now is not particularly with the specific provisions of this bill, except in one instance, but to call attention to the fact that there is great danger of an abuse of this legislation pending repeal of the eighteenth amendment by the States, and if the beer business results in abuses it may ultimately bring about the defeat of the whole scheme of those who are opposed to that kind of legislation by a defeat of the repeal of the eighteenth amendment. I believe that the legislation that has imposed on the Nation the regime of prohibition for the last 12 years is wrong. I went down to defeat in 1928 as a candidate for Congress battling openly, consistently, and without compromise against this form of legislation. Since that time the people of my district have come around to the belief that I entertained at that time and entertain now.

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. MAY. I recognize that those who favor retention of the eighteenth amendment in the Constitution and oppose any modification of the Volstead Act are in good faith about the matter, and I not only accord to them the right to their views but I am a good enough Democrat to accord to them the same rights I claim for myself, which carries with it the high prerogative of voting and acting in accordance with the dictates of their own consciences. Personally I am as dry as a du Pont powder house, and I would not vote for this measure except the strictest regulations be thrown around the sale of this nonintoxicating beverage. I am opposed to permitting bootleggers, especially those previously convicted, obtaining a license to sell beer.

Mr. STALKER. Mr. Chairman, I yield 3 additional minutes to the gentleman from Kentucky [Mr. May].

Mr. MAY. I am convinced that if there is abuse by the distributors or sellers of the nonintoxicating beer, as we believe it to be, in the interim in which the eighteenth amendment is being considered by the people of the States, it will ultimately defeat the whole proposition of reform that is to be obtained by this character of legislation.

I agree very fully with my friend from Texas [Mr. BLANTON] on the proposition that the original committee amendment to section 4 of this bill should be reinserted in the bill. That is the clause which provides that no person convicted of a felony shall be granted a license or be permitted to engage in the sale of beer. I think it ought to be extended to include any person who has violated the prohibition laws in any respect, because of the principle involved. The man who violates a law that may carry with it a penalty for a misdemeanor, and not violate a law which carries the penalty of a felony, violates it undoubtedly because he does not dread the punishment so much as if the punishment inflicted might be imprisonment in the penitentiary. Therefore there is a question of moral turpitude involved, and the very thing that may ultimately defeat the legislation we are trying to enact.

I think that amendment ought to be reinserted in the bill to provide that no man who violates the law, either where the penalty is that of a felony or a misdemeanor, should be permitted to handle beer in any way for sale.

Mr. PALMISANO. Will the gentleman yield?

Mr. MAY. I yield.

Mr. PALMISANO. Does the gentleman mean to say he wants to prohibit any man who has been convicted of a misdemeanor?

Mr. MAY. I mean of a misdemeanor in connection with the prohibition laws, the sale of intoxicating beer or liquor or wine.

Mr. PALMISANO. If it is going to be for violation of a misdemeanor it ought to be for all misdemeanors, in all respects.

Mr. MAY. Well, I take the position that the man who violated provisions of this law, especially one under conviction, is not a man who should be permitted to sell beer, and it should be regulated strictly, because the question of regulation by statute is a very important matter on the question of the administration of the law.

As stated by the gentleman from Texas [Mr. BLANTON], this is the legislative body for the District of Columbia, and we will make a vital mistake today if we do not act discreetly.

The CHAIRMAN. The time of the gentleman from Kentucky [Mr. May] has again expired.

Mrs. NORTON. Mr. Chairman, I yield 3 minutes to the gentleman from New York, Doctor SIROVICH.

Mr. STALKER. Mr. Chairman, I also yield 2 minutes to the gentleman from New York [Mr. SIROVICH].

The CHAIRMAN. The gentleman from New York [Mr. SIROVICH] is recognized for 5 minutes.

Mr. SIROVICH. Mr. Chairman, ladies and gentlemen, besides the beautiful flowers, trees, and shrubs we behold in this world we also find weeds, thorns, and thistles everywhere. Yet no one judges our world by the weeds that are contained therein.

The same simile may be applied to human beings. In life we have different groups of humanity placed in this world to carry out the Divine program. Like the flowers, shrubs, and trees, we have a conglomeration of human elements that through the service they render to their fellow man have made the world a better place for humanity to live in.

Mr. Chairman, medical men have designated a group, like the weeds, that they call the psychopathic constitutional inferior types. They are the pathological derelicts and driftwood of human existence. Somewhere in their physical and mental make-up there is a perversion of obligation and duty. They appear to be contrary, fractious, obstinate, stubborn, and ungovernable. In modern society they do not appear to be able to cooperate and harmonize with their fellow man. Why? Because in nature there are two worlds. One is the

world of struggle, conflict, toil, and drudgery. The other is the world of dreams, phantasy, romance, and imagination.

The psychopathic constitutional inferior type of human beings can not endure in the world of reality. Society is too cruel and vicious to him. It has robbed him of every initiative and every incentive of living. So he tries to run away from it. Where does he go? He runs away to the world of dreams, fancy, and imagination. This world is kind, sweet, and gracious to him. There, in that exotic stage of charm and beauty, every hope, ideal, and aspiration is realized. There, the fleeting phantasies and purposeless drifting of the mind keep awake in him every flame and reverie of life.

What is the contributory exciting influence that animates his mind to achieve this purpose? It is alcohol in its strongest form. It momentarily exhilarates. Subsequently it stupefies. Ultimately it intoxicates. In this stage, under this influence of alcohol, the psychopathic constitutional inferior type departs from the world of reality and flees into the world of dreams. Here in this state every cherished ideal and object is achieved and realized.

Mr. Chairman, ladies, and gentlemen, in this beer bill before the House we are legislating for normal human beings, who are the majority of the people of the United States. We are not thinking of the weeds of life who need institutional care. We are passing laws for the benefit of those who believe in temperance and to whom a glass of innocent beer is a tonic and an adjuvant to their food.

My dear friend and colleague from Texas [TOM BLANTON] need have no compunction regarding the sanity and stability of the average American citizen to know and to understand when he has taken enough beer to satisfy the inner urge.

Now, Mr. Chairman, ladies and gentlemen of the committee, during the last 13 years that prohibition has been upon our statute books, most of these psychopathic types, unable to secure pure, good liquor, have had recourse to the utilization of drugs. The peddling of dope to these innocent, psychopathic victims has increased by leaps and bounds, year in and year out. Thousands of tons of opium, morphine, heroin, and cocaine have been consumed by these unfortunate people. These drugs, just like alcohol, have had the desired effect of transplanting their victims from the world of reality into the world of dreams. Our hospitals and sanitariums are crowded and filled with these unfortunate victims of drug addiction, driven to the use of medication through the lack of beverage alcohol that their system requires.

Mr. Chairman, ladies, and gentlemen, I am glad the time has now arrived when we can destroy this drug evil. After listening to my friend [TOM BLANTON], I can only paraphrase an old couplet by stating:

You can take a horse to the trough, but you can not make him drink.

So you can "lead a fanatical prohibitionist to knowledge, but you can not make him think." [Applause.]

Mr. Chairman, it is not work that kills a human being. It is worry. It is not the revolution of a machine that destroys the machine. It is the friction and wear and tear that brings about dissolution. It is not the ingestion of food that destroys a human being. It is overindulgence that causes autointoxication and disease. It is not a glass of beer that intoxicates a human being. It is the abuse of that privilege. So let us be temperate in our food, drink, and action. Mr. Chairman, the day has come when we can adequately supervise the abuse in the consumption of alcoholic beverages by passing this beer bill that will give to the citizens of the District of Columbia pure, wholesome, legal, nonintoxicating beer that will be a gustatory joy to their stomachs, a delight to their appetites, and a pleasant repast to their starving and depressed spirit. [Applause.]

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. STALKER. I yield 5 minutes to the gentleman from Texas [Mr. BLANTON].

Mr. GOSS. Mr. Chairman, I wish to make a point of order for the purpose of getting a ruling from the Chair.

The CHAIRMAN. Does the gentleman from Texas yield to the gentleman from Connecticut?

Mr. BLANTON. Mr. Chairman, I do not yield for a parliamentary inquiry.

Mr. GOSS. Mr. Chairman, I am making a point of order. The CHAIRMAN. The gentleman will state it.

Mr. GOSS. Section 6, rule XIV, states that no Member shall speak more than once to the same question without leave of the House. Does this apply to debate under a special rule where the time is in the control of both sides?

The CHAIRMAN. The rule under which this bill is considered states that the time shall be equally divided and controlled by the chairman and the ranking minority member of the Committee on the District of Columbia. This, being a special rule, would, insofar as it is in conflict with, suspend the other rules of the House, and the gentleman can be recognized if he is yielded time in the regular way.

Mr. BLANTON. Mr. Chairman, I am taking this time, which was tendered to me without my asking for it, for two purposes. First, I want to correct a statement attributed to me by my good friend and colleague from Texas [Mr. McFARLANE]. He misunderstood my remarks. My second purpose in accepting this time, so generously tendered to me by my friend from New York [Mr. STALKER], is to deny the assertions made by my friend from Maryland [Mr. PALMISANO], who is entirely mixed up on his facts. The only resolution of his that I have ever opposed was one that involved a proposition that would have taken the people's money out of the Public Treasury. Is that the one?

Mr. PALMISANO. No. Now will the gentleman yield?

Mr. BLANTON. If that is not the one, I do not know of any other.

Mr. PALMISANO. I want to correct the gentleman.

Mr. BLANTON. It was a measure to take the people's money out of the Public Treasury that I was objecting to, and there was not any defense of anybody except on the occasion when I defended certain churches from an attack by the gentleman. If the gentleman can show me in the RECORD where I have ever defended such a man as he mentioned, either here or before the Prohibition Bureau, I will take him and every member of his committee to the finest dinner he can order in the Willard Hotel tonight.

Mr. PALMISANO. Will we have beer?

Mr. BLANTON. You can have everything else but that. I wish the gentleman would tell me the name of the man he says I defended. Give me his name.

Mr. PALMISANO. His name is Wimbley. I protested against the appointment of a man by the name of Wimbley convicted and sentenced to 6 years in the Maryland penitentiary.

Mr. BLANTON. What did I do about it?

Mr. PALMISANO. The gentleman from Texas criticized me at that time on the floor.

Mr. BLANTON. When?

Mr. PALMISANO. In 1928. I will get the RECORD.

Mr. BLANTON. I wish the gentleman would get the RECORD. I will send for it at once myself. No RECORD will show anything even remotely like that. Please get the RECORD.

Mr. PALMISANO. I will.

Mr. BLANTON. I have never had anything to do with the Bureau of Prohibition in the matter of appointing men. I have left such matters entirely to the bureau.

Mr. PALMISANO. The gentleman from Texas criticized me; that is what he did.

Mr. BLANTON. Oh, no.

Mr. PALMISANO. Oh, yes.

Mr. BLANTON. I may say this to the gentleman from Maryland—I want him to get this, and I want all my colleagues to get it—when I made reference to my friend when he was presiding as having been a former bartender, I intended no reflection upon him personally. Why, I knew he is not ashamed of it at all. He thinks it is perfectly all

right. I intended no reflection upon him, but I had a right to call attention to the fact that a former bartender was presiding over the House of Representatives while we passed the beer bill.

[Here the gavel fell.]

Mr. BLANTON. Mr. Chairman, could the gentleman from New York kindly yield me 1 additional minute?

Mr. STALKER. Mr. Chairman, I yield the gentleman from Texas 5 additional minutes.

Mr. BLANTON. I am grateful to my friend for his kindness, because I do want to refresh the memory of the gentleman from Maryland [Mr. PALMISANO] and show him just what happened when I interrupted him when he spoke in behalf of his Resolution No. 99, on March 28, 1928, for I now have the RECORD, and I quote from page 5532 of the daily CONGRESSIONAL RECORD. The gentleman from Maryland got the floor on a question of privilege, he stating "that the superintendent of the Anti-Saloon League, of Maryland, had called him a liar," because he had asserted that "Judge Coleman had permitted the Anti-Saloon League to have him put a gag on the newspapers." And after the gentleman from Maryland [Mr. PALMISANO] had criticized the Anti-Saloon League and many officials, and referred to me as "defending officers who violate the law", I then got him to yield to correct that, and I did then correct it, as shown by the following colloquy, quoted verbatim from the RECORD, to-wit:

Mr. PALMISANO. All agents in Maryland are defended as friends of the court. He was not so fortunate as my friend from Texas in defending officers who violate the law. Now I yield to the gentleman from Texas.

Mr. BLANTON. Now that I have been recognized, I want to make this comment: I never defend a guilty man. I defend the innocent. The Anti-Saloon League, castigated by the gentleman, has a membership of several million good people in the 48 States of the Union. Does the gentleman think it is fair to condemn them all because there may have been some improper men in the Anti-Saloon League?

Mr. PALMISANO. No; but referring to what the gentleman has stated about defending the innocent, I do not think there is a lawyer in the House who ever defended a man charged with crime that he considered a criminal, and that is true of the gentleman from Texas. [Laughter.] So far as the membership of the Anti-Saloon League is concerned, I respect any man who honestly differs with me on the Volstead law.

Mr. BLANTON. In other words, take the great Baptist Church, which may have in it some members who are improper people, men not of good character. Would the gentleman condemn the entire Baptist Church because it has a few members in it who are improper?

Mr. PALMISANO. Mr. Speaker, in reply I do not condemn any class of people as a whole, but I say this: If the Anti-Saloon League of this country is fair, it will dispense with this man, and I think it will, because the people of Maryland have exposed him. The Anti-Saloon League will have to dispense with his services or perhaps take him into some other territory where he is not known.

Mr. BLANTON. Will the gentleman recognize me further?

Mr. PALMISANO. Certainly.

Mr. BLANTON. Take, for instance, the great Secretary of the Treasury, Mr. Andrew Mellon. He belongs to the same church that I belong to, the Presbyterian Church. It has been charged that he has had knowledge all along of the \$160,000 of oil money that was donated to the Republican campaign. Would the gentleman condemn the entire Presbyterian Church because it has Mr. Andrew Mellon as a member?

Mr. PALMISANO. I never referred to the gentleman simply because he belongs to the same church as the distinguished Secretary of the Treasury, nor did I have him in mind because of certain remarks made at the other end of the Capitol, that "birds of a feather flock together." I say this, however: I have received information that in the Treasury Department they have a man who was convicted in Virginia of having stills in the State of Virginia, the record of which has been destroyed.

Mr. BLANTON. But the gentleman would not, therefore, condemn the entire Treasury Department?

Mr. PALMISANO. No.

The foregoing is everything that occurred between the gentleman from Maryland and myself. It will be seen that in no way did I defend any man he may have had in mind. Simply because he had it in for the superintendent of the Anti-Saloon League of Maryland, which he knew was a dry organization, and because he knew I was a dry, he connected us together in some way, and imagined that I was taking sides in his controversy, when as a matter of fact, he brought me into it himself by stating that I defended

officers, and so forth, when I had made no defense whatever of any officers.

Let me tell you that there can be fanaticism shown on either side of this question. We, colleagues here, have to work together for the interest of the people, and some think one way and some another, but we ought to respect each other's views and we ought to work together. Anything that is good in our wet brothers should be admitted and commended by us drys, and the wets ought to admit the same thing with respect to us.

You know the most wonderful thing to me on earth is that as many million people as God Almighty has been able to create since the beginning of time He has never yet made two of them alike. Every one of them has different fingerprints, different viewpoints, and different physiognomies. It is not strange that all of us do not agree about everything, and yet we can all agree on fundamentals.

If you are to pass a beer bill in spite of us, you wets can help us drys enact a bill that will protect innocent people as far as possible.

I want to say to my good friend here who told so many jokes yesterday that in every State of this Union it was against the law, even when we had saloons, to sell liquor to a minor under 21 years of age. This was when we had saloons and before the eighteenth amendment. You could not sell liquor to a minor in a single State of this Union; hence, why not put a provision in this bill to prevent them from selling it to boys and girls under 18 years of age? Is this unreasonable?

I may say to my technical, parliamentary friend from Connecticut that they do not want this stuff sold in Connecticut to minors.

Mr. GOSS. Now that the gentleman has referred to me by name, will the gentleman yield?

Mr. BLANTON. The gentleman tried to keep me from speaking twice on this bill, but nevertheless I yield.

Mr. GOSS. No; I just wanted to get a ruling on the question. The gentleman knows that.

Mr. BLANTON. The gentleman got his ruling, but I am his friend nevertheless. I yield.

Mr. GOSS. In Connecticut, when you are talking about intoxicating liquor, that is one thing, but I classify this beverage the same as I would soda water in a drug store.

Mr. BLANTON. Would the gentleman use 3.2 percent beer, which is pre-war beer, in his own home and give it to his children?

Mr. GOSS. I would use this nonintoxicating beverage just as I would Coco-Cola or soda water.

Mr. BLANTON. Does the gentleman expect to have it on his sideboard?

Mr. GOSS. I hope to some day, if the gentlemen will go along with us.

Mr. BLANTON. I would say to the gentleman that if I took it myself I would also let my children take it. I have always told my four boys, who are all out of college, "Boys, do as I do and not as I tell you; go along with me and you can do anything you see me do." This is a mighty good way. I say to you that there are a dozen especially dangerous provisions in this bill that you wets can help us drys to perfect. I wish that you would help us do it.

[Here the gavel fell.]

Mr. NORTON. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. BLACK].

Mr. BLACK. Mr. Chairman, as far as the House is concerned the broad phases of the prohibition question have gone by. We have passed the resolution for the repeal of the eighteenth amendment and we have passed the beer bill for the national jurisdiction.

The wets instead of the drys are now confronted with problems. The members of the committee who supported beer legislation felt that the wets of the House should do all in their power to redeem the pledges made by the wets throughout the country in order to get popular support for their views on the general question. Having this in mind, we first sought to eliminate by this bill—which, of course,

will be looked at by the entire country—the old-time saloon, and we came to the conclusion that probably the best way to do this would be to provide for two different kinds of licenses, the on-sale license and the off-sale license, the theory being that it would not profit any person merely to sell beer alone. He would have to sell some other commodities in connection either with his on-sale license or his off-sale license, whereas if he could sell for consumption on the premises and for consumption off the premises, in time, his place could degenerate into the old-fashioned saloon, and the real, essential proposition in the committee's plan is the on-sale license and the off-sale license.

The committee is disposed to be very liberal with the House. The committee wants the advice of the House on this bill. The committee is disposed to take from the House any protective amendments so that the main goal of the liberals of this House, the repeal of the eighteenth amendment, will not be interfered with by faulty administration of beer legislation.

The chairman of the committee [Mrs. NORTON] has in mind offering an amendment on the question of sale to minors. I have seen the amendment and I rather believe it will be satisfactory to the House.

On the question of those who shall have the right to obtain licenses, the committee would be willing to accept an amendment that has been drawn by the gentleman from New York [Mr. O'CONNOR] to the effect that nobody guilty of a felony can obtain a license, and nobody guilty of a felony in connection with the national prohibition law shall be able to obtain a license.

But the committee did not think that the ordinary violator, the bartender in a speak-easy or the man on a truck or the ordinary misdemeanor, under the national prohibition acts should be barred from earning a living now that his views of morality are prevailing among the legislators. It seemed ridiculous to the committee to say that for all these years it has been entirely wrong on the moral viewpoint involved, and then having changed its mind to say that those who had a clearer insight into morality than the Congress could not go ahead in accordance with this new morality.

So the committee thought that a man who is an ordinary small violator of the prohibition law, without violating any other law, like murder, assault, or bribery, would not be barred by the legislation.

The committee is anxious to hear from the House. The committee wants to get as good a bill as possible. It is going to be an interesting experiment in legislation to find out if the House can legislate on a proposition in respect to which everybody in the House has some distinct and definite information. [Applause.]

[Here the gavel fell.]

Mrs. NORTON. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan [Mr. WEIDEMAN].

Mr. WEIDEMAN. Mr. Chairman, I want to answer two things the gentleman said about beer and its effects. Incidentally, I would like to have every Member of the House vote for this bill. The committee considered it carefully and impartially.

The gentleman wanted to know if I gave beer to my children. I have a boy 9½ years old, and if he wants beer I would give it to him. I am willing for his mother to develop those moral instincts in him, which will make him temperate. The gentleman from Texas wants to know if we want our children to drink beer and have them grow up to be undersized boys. In our family, which is an old German family, we always had beer, and it did not make me any smaller. I think I am fairly well developed. [Applause.] My training to be temperate was developed by home training, which was imparted by my mother.

Now, if you are going to penalize a man for a misdemeanor it will not work out for the good administration of the law. Al Capone was one of the big violators of the prohibition law, but he was not put in jail for that. He

was never convicted of violating the prohibition law. The large operators and violators are never convicted, but it is the small violators who are convicted and put in jail.

I think the bill is a good bill. I do not believe that there should be such restrictions put on it as will hamper the enforcement of the law. I think that the Commissioners ought to have some discretion in regulation and I propose to give it to them. [Applause.]

Mr. STALKER. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. HOEPEL].

Mr. HOEPEL. Mr. Chairman and members of the committee, I am sorry to state that for two basic reasons I am opposed to this bill. I am in favor of beer and wine, and I am speaking in the interest of repeal of the eighteenth amendment.

That is one of my basic reasons. The other is that I believe in the right of the people of any community or any place to determine what they wish, and until this question is submitted in a referendum to the people of the District of Columbia, I am opposed to this bill.

I am opposed to the saloon.

I have had 35 years' experience. I have lived with men who drank, and I know what the saloon is. I am opposed to anything that would make it possible for the saloon to return.

I respect the dignity of this Congress too much to lend my vote to any proposition that will cause us to see, perhaps, drunken boys and girls on the streets of this city, who have been brought to that state, not by a vote of their own parents, but by a vote of this Congress.

Mr. BOYLAN. Mr. Chairman, will the gentleman yield?

Mr. HOEPEL. Yes.

Mr. BOYLAN. Will the gentleman state whether or not they are going to have a referendum in California upon this question, such as he suggests here in the District of Columbia?

Mr. HOEPEL. We had a referendum there on November 8 last, and they voted wet, and I am going to vote wet on anything of a national character; but I think it is unfair to the people of this District for Members of Congress to come here from a long distance and force the children of the citizens of the District into the temptation of drinking beer without their parents having an opportunity to express themselves on this question.

Mr. McLEOD. Mr. Chairman, will the gentleman yield?

Mr. HOEPEL. Yes.

Mr. McLEOD. Does the gentleman know that there is no means provided whereby the District can have a referendum?

Mr. HOEPEL. Yes; and that is what I am opposed to. I believe the people of the District should have the opportunity to express their opinions in their own government. I understand it takes \$125,000 a day for the Congress to legislate for the District of Columbia, while these people here have not the liberties that aliens have who are dominated by foreign governments. I say this Congress has no moral right whatever to legislate for the District of Columbia. Let them manage their own affairs. [Applause.]

Mr. Chairman and members of the committee, I oppose the passage of H.R. 3342 because of the principle involved therein which is a complete repudiation of the American-accepted standard of liberty. Our forefathers established this Nation in furtherance of the just slogan of "No taxation without representation."

I am a firm believer in State rights and the self-determination of the people in all problems which concern them. Here we have the monarchical anomaly of seeking to impress the will of Congress upon a corporate entity without in any way ascertaining the wishes of the inhabitants thereof. Despite the fact that the citizens of the District of Columbia are typical of the highest-type citizenry in American life, and despite the fact that numerically they are at least five times greater than is the entity of the State of Nevada, nevertheless Nevada, with its total population of less than one fifth of the District of Columbia, has 2 votes in the Senate and 1 in the House.

The District of Columbia has absolutely no voice in the conduct of its own affairs. Within a democracy, I protest monarchical action by any one body over another without permitting the people so governed to express themselves on the issues involved.

In this same connection I digress to state that in my opinion a democratic reorganization of Congress itself is necessary in order that the voice of the new Members-elect may be equally heard. The fetters and incongruities existing in seniority or divine right of rule should be abrogated in the interest of representative government.

We have heard a great deal in reference to economy, yet we here today are debating question involving the liberties not of an alien but of a kindred people, and at the expense of the taxpayers of the United States we are seeking to perform that which, in justice and in liberty, they themselves should do. It is understood that the deliberations of Congress on District of Columbia affairs cost the Government \$125,000 per day. What an unnecessary burden this is on the impoverished taxpayers of our Nation! It is ridiculous to find this Congress, whose Members receive at least \$25 per day, legislating on the question of removal of a corpse from one cemetery to another, or to find them legislating on the closing of an alley or the qualifications of a dogcatcher or any other insignificant detail of petty government which a sergeant of police might decide!

The people of the District of Columbia are entitled to the right of self-determination, and if Congress will not relinquish its oligarchy completely, I suggest that in the interest of economy they delegate such authority to at least five feudal lords or commissioners, who should be headed by an imperial potentate or dictator or some kind of an administrator whose duty it would be to perform all the functions of government which now, unfortunately, take so much valuable time of the distinguished Members of Congress, whose time could and should be more profitably employed in the interest of the unemployed and our overburdened taxpayers.

Even alien races, under the domination of foreign governments, and even those in our own Government who are not a hegemonic entity, have more liberties today than have the citizens of the District of Columbia.

The CHAIRMAN. The time of the gentleman from California has expired.

Mrs. NORTON. Mr. Chairman, I, too, believe that the people of this District should have the right to legislate and I should be very glad to consider such a bill giving them the franchise; but in the meantime, since they must depend upon us to legislate and in order to bring them up to an equality with the States with regard to the manufacture and sale of beer, it is absolutely important that we pass this bill today. That is the reason for bringing in this bill, so that the people of the District of Columbia may have the same advantage as the people in the rest of the country when the sale of beer is permitted.

There is little I can add to what has been said here today except on the question which seems to agitate so many Members—respecting minors. I do not believe that 3.2 beer is intoxicating or should be considered intoxicating, because nobody has the capacity to drink enough of it to really become intoxicated. Nevertheless, I should be very glad to and shall offer an amendment today restricting the sale of this beverage to minors in the District of Columbia, and I do so, not because I believe it is going to do the minors any harm but because a great many people seem to think that some advantage might be taken in the places where the beer is on sale and that other kinds of drink may be substituted. Therefore, I should be glad when we come to that part of the bill to offer that amendment. [Applause.]

Unfortunately the people of the District have nothing to say about the national prohibition bill. Therefore, we must speak for them; and I sincerely hope that every Member of the House will legislate for the people of the District, who have no right to express themselves with regard to their own government, just as he would legislate for his own State, and if we do that, I have not a doubt that we shall deal fairly with them today and pass this bill. [Applause.]

The CHAIRMAN. The time of the gentlewoman from New Jersey has expired. All time has expired. The Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That the term "beverages" as used in this act shall include beer, lager beer, ale, porter, and other brewed or fermented beverages containing one half of 1 percent or more of alcohol by volume but not more than 3.2 percent of alcohol by weight.

Mr. SMITH of Virginia. Mr. Chairman, I move to strike out the last word. It seems to me there is a very cogent reason why this bill should be enacted into law promptly—a legal reason—which I have not heard discussed in the consideration of the bill this morning. Gentlemen doubtless recognize that in legislating for the District of Columbia we are legislating in a manner different from any other place we will have to deal with. In other words, we act as a State legislature or as a city council for the District of Columbia. The District of Columbia has at present what is known as the "Sheppard law", providing for the enforcement of the Volstead Act. When the Volstead Act is amended so as to permit the sale of 3.2 percent beer, unless there is some local law in the way, then this beer may be sold ad libitum without any restrictions at every corner grocery store in the city of Washington. It has been decided by one of the lower courts in the District of Columbia, I am informed, that the Sheppard Act, which is the local enforcement act, was repealed by the Volstead Act. It has been so held by one of the courts, and I think that the corporation counsel has stated it is his opinion that that decision is correct. I am not sure about that. However, there is a serious legal question involved, and the belief is that the only enforcement law for the District has been repealed by the Volstead Act, and if that is the case, unless we enact this measure or some other measure, as soon as the change in the Volstead Act because effective beer may be sold over all of the city of Washington without restriction whatever.

Mr. MAY. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Virginia. Yes.

Mr. MAY. Does the gentleman not think that makes more imperative the necessity for rigid restrictions on the sale of it?

Mr. SMITH of Virginia. We should pass a law, but we should pass a law which would give the people of the city of Washington all the proper restrictions around this subject that we would like to have at home in the States. My State still has its dry law. The sale of this beer will be unlawful in my State, but if you are going to have a law in the District of Columbia, let us have a law that is good and tight; and I believe this proposed bill is good and tight with some exceptions which I hope will be corrected by amendment as we go along. Let us have a law that is not going to put beer in disrepute before we get fairly started.

Mr. PALMISANO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PALMISANO: Page 1, line 4, commencing with the word "and", strike out through the word "beverages," in line 5, and insert in lieu thereof the following: "wine, similar fermented malt or vinous liquor, and fruit juice."

Mr. PALMISANO. Mr. Chairman, I just want to say to the Members of the House that this language is the same language as was passed in the beer bill. Originally we did not permit wine or grape juice in the bill. That was due to the fact that the original beer bill that passed in this House did not contain that language. Since the language has been adopted in the Senate and approved of by the House, we feel that the people of the District of Columbia ought to have the same rights as the respective States.

Mr. GOSS. Will the gentleman yield?

Mr. PALMISANO. I yield.

Mr. GOSS. Does the gentleman think we should pass this amendment, in view of the statement made by the lady from New Jersey that she intends to offer an amendment to make it illegal to sell to minors under 16? That provision was not in the other bill either.

Mr. PALMISANO. I may say the reason it was not placed in the original bill was the fact that we felt that that provi-

sion should be taken care of by the respective States. In view of the fact that the District of Columbia must have a special act in order to protect itself, there would be no objection to that provision.

Mr. GOSS. The gentleman does not think this beer will be intoxicating?

Mr. PALMISANO. Oh, no, sir. If I had my way, I would leave it entirely in the hands of the commissioners.

Mr. BUCK. Mr. Chairman, I rise in opposition to the amendment. I do so for the reason that I think the House today is engaged in the process of enacting a model bill, and if it is going to enact a model bill I want my colleagues in the House to know that I, representing as I do the largest wine growing and wine-producing State in the Union, believe the amendment offered will be entirely unsatisfactory, and will permit the sale not of a beverage which is either healthful or nonintoxicating but one which could hardly be called more than a violation of the pure-food law itself. We want to see enacted in this law provisions which will safeguard not merely the purchasers of the drinks themselves, to give them healthy and potable beverages, but the interest of the producers of grapes in New York, Ohio, and California, or wherever else they may be produced. I should like to see this amendment defeated, so that when the delegation from California presents to you its conception of what wine legislation should be you may enact into law for the District of Columbia the provisions of such a bill, without having the subject now summarily disposed of. I hope this amendment will be defeated here or that the Senate will take cognizance of it and defeat it there.

I ask unanimous consent, Mr. Chairman, that the amendment may again be reported.

There being no objection, the Clerk again reported the pending amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland [Mr. PALMISANO].

The question was taken; and on a division (demanded by Mr. PALMISANO) there were ayes 20 and noes 60.

So the amendment was rejected.

The Clerk read as follows:

SEC. 2. The Commissioners of the District of Columbia are authorized to issue licenses to persons, firms, corporations, or associations on application duly made therefor for the sale of beverages within the District of Columbia, subject, however, to the limitations and restrictions imposed by this act. The Commissioners shall keep a full record of all applications for licenses, of all recommendations for and remonstrances against the granting of licenses, and of the action taken thereon. The Commissioners may employ such clerical and other assistants as may be necessary to properly inspect and supervise the operations of licensees under this act. The salaries and expenses incident to such work shall be fixed by the commissioners and paid from the funds arising from license fees under this act.

Mr. COCHRAN of Missouri. Mr. Chairman, I offer an amendment, which I have sent to the desk.

The Clerk read as follows:

Amendment offered by Mr. COCHRAN of Missouri: Page 2, line 11, after the word "act," strike out the period, insert a semicolon and the following: "Provided, That not more than \$25,000 shall be used for such purpose."

Mr. COCHRAN of Missouri. Mr. Chairman, I simply want to say that the section as drawn throws it wide open to the Commissioners of the District of Columbia to use all the money they collect for licenses, if they so desire, for the purpose of employing people to enforce the act.

We have the District of Columbia police, and all that is needed is simply a small clerical force, and I think we should limit the amount that should be used for that purpose.

That is the purpose of my amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri [Mr. COCHRAN].

The amendment was agreed to.

Mr. TARVER. Mr. Chairman, I offer an amendment, which I have sent to the desk.

The Clerk read as follows:

Amendment by Mr. TARVER: On page 2, in line 3, after the word "act," strike out the period, insert a colon and the following: "Provided, That sale of such beverages on any property belonging to the United States shall not be licensed nor permitted."

Mr. GOSS. Mr. Chairman, I make the point of order that the amendment is not germane to this section.

The CHAIRMAN (Mr. JONES). This section provides for the issuance of licenses, and certainly the amendment is a restriction or limitation, so it would be in order.

Mr. BLACK. Mr. Chairman, may I be heard?

The CHAIRMAN. The Chair will be glad to hear the gentleman from New York.

Mr. BLACK. Mr. Chairman, this bill provides for the administration of this law by the Commissioners of the District of Columbia. Inasmuch as the Commissioners of the District of Columbia do not have any complete jurisdiction over the buildings in the control of the Federal Government, buildings commonly called Federal buildings, such as this building, I doubt very much that the amendment which the gentleman has offered is germane.

The CHAIRMAN. The Chair thinks that is a further argument in favor of its being germane, because it eliminates those.

The point of order is overruled.

Mr. TARVER. Mr. Chairman, the purpose of this amendment is to prevent the sale of the beverages described in this bill upon property of the United States, which would include its sale in cafeterias operated in the various Government buildings in the District of Columbia and particularly would include the prohibition of its sale in the Capitol of the United States.

I know there is on the statute books a law which purports to prohibit the sale of intoxicating liquors in the Capitol, and it may be insisted that that law is sufficient to accomplish what I am seeking to accomplish by this amendment.

Remember, gentlemen, it is contended here that these beverages are nonintoxicating. It seems to me if there is any question at all about their being nonintoxicating we should consider this: It may very well be that this law will be held constitutional and not in violation of the eighteenth amendment. It may also be held, and would naturally be held as a sequence, that the act prohibiting the sale of intoxicating liquors in the Capitol of the United States has no relation to beverages of this character. So we get down to the question whether or not it is the purpose of the House to authorize the opening of a saloon in the Capitol of the United States.

I think there is no Member here but who knows my attitude. So far as I am concerned, I would not vote for this bill no matter how it is amended. I am opposed to the passage of the bill and expect to vote against it under any circumstance. But I do not believe the majority of the House proposes to authorize or permit the opening of a saloon under the dome of this Capitol. I submit this for your consideration. If it is your purpose to do it, of course, I am in a minority on this issue and it is not within the power of this minority to control it, but I will not believe, until by your votes you have said so, that it is your purpose to authorize the opening of a saloon in the Capitol itself, or for that matter to authorize its being done on any property belonging to the Government of the United States.

The gentleman from New York [Mr. BLACK], by his question, intimated that this is a matter coming within the jurisdiction of the authorities of the Government having control of these various properties. Of course, this is true, but there may be some question as to their probable action and as to the right of the Commissioners of the District of Columbia to license the sale of such liquors on Government property. Why not eliminate these questions by adopting this amendment prohibiting sale on Government property?

A vote for this amendment is an expression of opinion that the Capitol of the United States and the departments of the United States where Government employees work by the thousands should not be turned into saloons, and that the sale of liquors, intoxicating or not, of the alcoholic percentage specified in this bill should not be permitted there; but a vote against the amendment is an indication on the part of Members casting such votes that it is their intention, so far as they can, to open up even the Capitol itself

to the evils which formerly existed in the District when intoxicating liquors were sold here.

[Here the gavel fell.]

Mr. TARVER. Mr. Chairman, I ask unanimous consent to proceed for 2 additional minutes. I take but little of the time of the House.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. TARVER. I know nothing about conditions existing in Congress at the time liquors were sold on the first floor. The statements which were challenged by the gentleman from New York [Mr. O'CONNOR] may be true or not. It is not a matter coming within my knowledge; but I do not believe even a small percentage of the membership would like to have a saloon located on the first floor of the Capitol again, or would like to say by their vote to the people of the country that they want to provide a store of beverages in this Capitol for their personal use.

Mr. DIRKSEN. Mr. Chairman, will the gentleman yield?

Mr. TARVER. I yield.

Mr. DIRKSEN. When the gentleman speaks of a saloon, does he imply that the sale in the cloakroom back here of a bottle of 3.2 beer with which to wash down a cheese sandwich makes of that cloakroom a saloon?

Mr. TARVER. In my judgment, and I think in the judgment of every logically minded person in this country, any place where intoxicating liquors are sold is a saloon.

Mr. DIRKSEN. The point is, this beverage is not intoxicating.

[Here the gavel fell.]

Mr. BLACK. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the amendment of the gentleman from Georgia gives a picture of the dries in their last retreat, digging in at the Capitol and in the Government office buildings they have owned and controlled for years.

Beer is either intoxicating or it is not. By legislative fiat and by the opinion of scientists we are saying that beer is a nonintoxicant. If it is a nonintoxicant, certainly the strong men of the House and the strong men of the Senate should be allowed to have it. [Laughter.]

Mr. EATON. How about the weak ones?

Mr. BLACK. It might help some of the weak men, too. Certainly this House should not pass a beer bill for the Nation saying that beer is harmless and nonintoxicating and then say in another bill that we will not have it around the House, we will not have it around the Senate, and we will not have it around Federal buildings.

This amendment is put out as propaganda and nothing else. The dries will go out through the country and say: "You can have beer all over the country, but they did not want to pass any intoxicating-beverage proposition for the Capitol Building and for the Federal buildings." It is purely an attempt to put the wets in an inconsistent position.

Mr. TARVER. Mr. Chairman, will the gentleman yield for a question?

Mr. BLACK. I yield.

Mr. TARVER. The wets have been in an inconsistent position all the time.

Mr. BLACK. I do not want to accuse the gentleman from Georgia of being a propagandist, because he took one of the most far-reaching steps that has been taken in the House when he offered the amendment doing away with entrapment, stool pigeons, and such things.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. BLACK. I yield.

Mr. BLANTON. If it is to be sold in the Capitol, in the cloakrooms, in the office buildings, and in the other scores of Government buildings, should not that authority be given by Government officials and not by the Commissioners of the District of Columbia?

Mr. BLACK. I do not care who gives it.

Mr. BLANTON. All on earth this Tarver amendment does is to prevent the Commissioners of the District of Columbia from exercising control over Government buildings.

Mr. BLACK. I should not be surprised if it is given away, but I do not care who controls it.

Mr. BLANTON. I want the absolute control of all Government property here in this District kept in the hands of the officials of the United States, and I do not want District Commissioners attempting to exercise any control over it.

Mr. GLOVER. Mr. Chairman, I move to strike out the last word. Mr. Chairman, I think the gentleman from New York [Mr. BLACK], in his first speech, sounded a very clear note of warning to those of you who are responsible for voting beer back to the various States that will now permit its sale.

Out of the responsibility that is on you now I believe you ought to safeguard this bill. It is to your interest to back up what you have done, if you can do so.

I am glad I am not responsible in any degree for the bringing back of beer to this country; and I am not going to be responsible for bringing it back on a helpless people who have no vote, who cannot come on this floor and express their views as to what they really want [applause]; but may I say to you who stand here today and say this beer is not intoxicating that if you ask the brewers what alcoholic content they used in their beer in the days before prohibition, you will see you have got it in this bill. Blue Ribbon beer contained only 2.75 percent of alcohol by volume. Pabst Milwaukee contained only 4 percent by volume, the same as the alcoholic content provided in this bill. There was but one beer, that made by Anheuser-Busch, which contained more than 4 percent alcohol, the good old Budweiser that you boys liked—that contained 4½ percent. All Mr. Anheuser-Busch and his company have got to do to come under this bill is to reduce the alcoholic content of their beer one half of 1 percent.

I say to you that we are facing the American people today with a proposition that we ought to be cautious about.

You come now with an amendment, and the only restriction that is asked under this amendment of the gentleman from Georgia is that they are not to be permitted to sell this beverage on Government property. If this bill passes today as written, there is nothing to prevent the setting up of a beer establishment right here in the cloakroom and having it sold to every Member of this House. [Applause.] Oh, the gentleman here states that this is what he wants. He ought to go out and put up a saloon if he feels that way about it.

Mr. McLEOD. Will the gentleman yield?

Mr. GLOVER. No; I do not yield.

I may say to you that when you pass this bill you are not only bringing back an intoxicating liquor but you are bringing back one that has been held by the courts to be intoxicating.

This bill contains authorizations for the sale of porter, ale, and wine and 4 percent of alcohol in beer. Any man who has had any experience in dealing with this subject knows this is intoxicating. I should like to see it tried out on some gentleman who has not had long experience, such as some of them say they have had in using it. I say to you that a quart of this stuff is strong enough to make a man who is not accustomed to using it intoxicated and make him fight as quick as a bulldog would fight a rat, and you know it. [Laughter.]

There is no escaping the fact that this is intoxicating. Do not let us fool ourselves. If you want intoxicating liquors back in this country, you ought to be honest enough to say, "I want it, and I am going to vote for it." My opinion is that this is what you are doing when you vote for beer.

[Here the gavel fell.]

Mr. GLOVER. Mr. Chairman, I ask unanimous consent to proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Arkansas?

Mr. BLACK. Mr. Chairman, we must get through with the consideration of this bill, and I object.

Mr. GUYER. Mr. Chairman, I rise in opposition to the pro-forma amendment.

Mr. Chairman, I do not wish to take all of the 5 minutes of the time of the House. I know how dry you are—I mean how thirsty you are.

I would have offered such an amendment myself had the gentleman from Georgia not done so. I do this on principle. My ideas on this subject are well known to the House.

I believe this bill is unconstitutional just as I believed the other beer bill was unconstitutional. I conscientiously believe this, and believing that I cannot vote for anything that puts one of these beer gardens in the Capitol of the United States.

I may say to the gentleman from Illinois [Mr. DIRKSEN] that if you take Webster's definition of a saloon, you will put a saloon back there in the cloakroom if you sell intoxicating liquors there, because Webster says that a saloon is a place where intoxicating liquors are sold.

Mr. PALMISANO. Mr. Chairman, I move to strike out the last three words, in order to say a word in opposition to the proposed amendment.

I want to say to the members of the committee that if you listen to the gentlemen advocating this amendment they would make you believe you are going to have a saloon in every corner of this building. Under this bill the commissioners are the only ones who can grant a license, and the commissioners have no jurisdiction over this building. You cannot have it in the dining room and you cannot have it in the cloakroom unless a license is obtained, and they will not be able to obtain such a license unless the Speaker of the House authorizes it. So why make a fuss about this amendment?

I ask the members of the committee to vote down this amendment.

Mr. TARVER. Will the gentleman yield?

Mr. PALMISANO. Yes.

Mr. TARVER. Unless you expect the Speaker of the House or the authorities having in charge the House and this section of the Capitol to authorize the sale of this beverage in the Capitol, and unless you expect this to be done in the Senate, why do you object to this amendment, which provides that it shall not be permitted? This amendment would be binding on those in authority in the Capitol as well as in other Government buildings.

Mr. PALMISANO. This amendment would also be binding on the tenant of a Government building anywhere in the District of Columbia.

Mr. McLEOD. Will the gentleman yield?

Mr. PALMISANO. Yes.

Mr. McLEOD. Is it not a fact also that the Code of the District of Columbia provides that the Commissioners of the District have no jurisdiction over any of the Government buildings?

Mr. PALMISANO. I stated that, and said that if the Government were to buy some property for improvement and then abandon the idea of using the property for that purpose and wanted to lease the property, the tenant would be unable to obtain a license, if this amendment were adopted.

Mr. BLANTON. Will the gentleman yield for a question?

Mr. PALMISANO. Yes.

Mr. BLANTON. We have Government buildings scattered all over these 10 square miles and all under different management. Does not the gentleman think it wise for us to put this Tarver amendment in the bill to prevent the Commissioners of the District from exercising jurisdiction? This bill gives the Commissioners the right to control licenses all over the District, if they are not restricted by the Tarver amendment.

Mr. PALMISANO. I am not afraid there will be any such action taken without adopting amendments prohibiting such licenses in a Government building.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia [Mr. TARVER].

The question was taken; and on a division (demanded by Mr. GUYER) there were—ayes 72, noes 121.

So the amendment was rejected.

Mr. BLANTON. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 2, line 7, after the word "assistants", insert a comma and the following: "when appropriations for them are provided for by Congress."

Mr. BLANTON. Mr. Chairman, this is a most important amendment, one that every wet can vote for in the interest of good, sound administration.

With respect to every bureau in the District of Columbia that is a part of the District, before they can appoint a single employee or fix the salary of a single employee the Congress must first approve it. They cannot appoint employees and they cannot fix their salaries until this Congress says so.

Is not that a wise provision? But this bill permits appointments and salaries wholly uncontrolled by Congress. This amendment merely seeks to keep this power in Congress. If you pass this bill as it is, without my amendment, the commissioners can employ new employees and they can pay them as big salaries as they want to without limit, and you will have to appropriate for them according to their will and desire unless you put in this limitation. All my amendment does is to say that cannot be done until Congress furnishes and approves of the program. They must send to the Committee on Appropriations the information of how many employees they want and the amount of their salaries and let the Congress pass on it. Is not that a wise provision? Do you want to pass a bill without restrictions that will give the commissioners authority to appoint employees and fix any salary they please?

Congress passed the Reconstruction Finance Corporation bill without any restrictions, and they are paying officials down there as high as \$16,000 a year, when you are now receiving only \$8,500. You have to do your work for \$8,500, and they are paying men not as able as you are a salary of \$16,000 a year.

Mr. GOSS. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. GOSS. The gentleman does not want to be unfair to the House?

Mr. BLANTON. I do not.

Mr. GOSS. We have just adopted a limit of \$25,000 by the amendment by the gentleman from Missouri. We adopted that a few minutes ago. This would delay the issuance of licenses until the Appropriations Committee met, and the Lord knows when that will be—it may not be until next year.

Mr. BLANTON. The Committee on Appropriations is in session now; it has been passing on deficiencies, and it brings in a bill whenever it is necessary to do so. You have on that committee 35 Members of the House, a fair cross section of the Representatives of the country, and I am willing to say that two thirds of them are wet. The gentleman need not be afraid of them.

These Commissioners could appoint men at a salary of \$12,500 a year. Do you want to do that?

Mr. GOSS. The gentleman knows that they would not do that.

Mr. BLANTON. How does the gentleman know they would not? They could do it. I voted against the Reconstruction Finance Corporation bill because, among other good reasons, they had no restrictions on the employees and the salaries. We tried to get restrictions in the bill, but we could not do it; and now they are paying, as I said, salaries as high as \$16,000 per annum. Why not fix the number of these employees and their salaries before you pass this bill? I am asking you to keep the control of these purse strings in your own hands and not put it into the hands of the District Commissioners. [Applause.]

Mr. BLACK. Mr. Chairman, the Tarver amendment was the last ditch in point of place in the fight of the dries, and this is the last ditch in point of time in the fight of the dries. The only purpose of this amendment is to delay the operation of the bill, which is in the usual form, providing for the appointment of inspectors to carry out that work. The Committee on Appropriations has nothing to

do with the policy in the District of Columbia. We must trust the discretion of the Commissioners. They are not going to overstep the mark and appoint somebody who ought not to be appointed, or at some exorbitant salary. The gentleman is just putting the cart before the horse.

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Texas.

The question was taken; and on a division (demanded by Mr. BLANTON) there were—ayes 42, noes 107.

So the amendment was rejected.

The Clerk read as follows:

SEC. 3. It shall be lawful for any brewer or manufacturer to brew within the District of Columbia and sell to licensees any beverage or beverages authorized to be manufactured or brewed by the laws of the United States of America.

Mr. SMITH of Virginia. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment by Mr. SMITH of Virginia: Page 2, line 12, after the word "any", insert the words "duly licensed."

Mr. SMITH of Virginia. Mr. Chairman, this section of the bill provides for brewing in the District of Columbia. The bill, as at present framed, requires no local license for brewers. They will pay their national license, but they will pay the District of Columbia nothing whatever for the privilege of brewing. I have on the Clerk's desk two amendments on that paragraph. One is that which has just been read, requiring them to get a license, and the other is at the end of the paragraph providing that each brewer shall pay a license fee of \$1,000 per annum. I submit the amendments, because I believe, if the brewing industry is to be carried on in the District of Columbia, that they should pay a local license, too, just as they will doubtless be required to pay a local license in every State in the Union. I see no reason why there should be a discrimination in favor of brewers of the District of Columbia. For that reason I offer the amendment, with the hope that it will be adopted.

Mr. BLACK. Mr. Chairman, I understand that these amendments of the gentleman from Virginia are acceptable to the committee.

Mr. O'CONNOR. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Virginia. Yes.

Mr. O'CONNOR. I hope the gentleman has provided for a fee of \$1,000 for each brewery.

Mr. SMITH of Virginia. That amendment has not yet been read.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia.

The amendment was agreed to.

Mr. SMITH of Virginia. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment by Mr. SMITH of Virginia: Page 2, line 16, after the word "America," insert: "All applicants for license as brewers shall pay to the District of Columbia a license fee of \$1,000 per annum before such license shall issue."

Mr. SMITH of Virginia. Mr. Chairman, I ask unanimous consent to change that amendment by inserting the words "for each brewery" after the words "per annum."

The CHAIRMAN. Without objection, the Clerk will report the modified amendment.

The Clerk read as follows:

Modified amendment: Insert after the word "annum" the words "for each brewery" so that it will read: "All applicants for license as brewers shall pay to the District of Columbia a license fee of \$1,000 per annum for each brewery before such license shall issue."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia.

The amendment was agreed to.

Mr. SMITH of Virginia. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment by Mr. SMITH of Virginia: Page 2, after line 16, insert a new paragraph, as follows:

"It shall be unlawful for any licensee to sell or serve any of the beverages permitted to be licensed under this act to any minor, or to permit the same to be sold or served on his premises."

Mr. BLACK. Mr. Chairman, I reserve the point of order on that.

Mr. SMITH of Virginia. Mr. Chairman, I prepared that language with a series of amendments, and offer it at the point at which I intend to offer it. I have been informed that the committee is going to offer a similar amendment. Therefore, Mr. Chairman, I ask unanimous consent to withdraw the amendment at this point, as the committee will offer an amendment covering the situation.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent to withdraw his amendment. Is there objection?

There was no objection.

The Clerk read as follows:

SEC. 4. Any person, firm, corporation, or association desiring a license for the sale of beverages under this act shall file with the Commissioners of the District of Columbia an application therefor in such form as the commissioners may prescribe. The application shall designate the kind of license desired. Before the license is issued the commissioners shall satisfy themselves of the moral character and financial responsibility of the applicant, appropriateness of the location where such licensed business is to be conducted, taking into consideration the number of such licenses already issued, and generally as to the applicant's fitness for the trust to be reposed. Before any license is issued under this act the commissioners shall determine the whole number of licenses to be issued within the District. Each license shall designate the place of business of the licensee. Each application for a license shall contain:

First. The name and residence of the applicant and how long he has resided within the District of Columbia.

Second. The particular place for which a license is desired designating the same by street and number if practicable; if not, by such other apt description as definitely locates it.

Third. The name of the owner of the premises upon which the business licensed is to be carried on.

Fourth. A statement that the applicant is a citizen of the United States and not less than 21 years of age, and that such applicant has never been convicted of a felony, or been adjudged guilty of violating the laws governing the sale of intoxicating liquors or for the prevention of gambling in the District of Columbia.

Fifth. This application must be verified by the affidavit of the petitioner made before a notary public or other person duly authorized by law to administer oaths. If any false statement is made in any part of said application the applicant or applicants shall be deemed guilty of perjury and upon conviction thereof the license shall be revoked and the applicant subjected to the penalties provided by law for that crime.

Sixth. That the applicant is not the owner of or licensee named in any license then in force.

Seventh. That he intends to carry on the business authorized by the license for himself and not as an agent of any other person and that if licensed he will carry on such for himself and not as the agent for any other person.

Eighth. That the applicant intends to superintend in person the management of the business licensed and that if so licensed he will superintend in person the management of the business.

With the following committee amendments:

Page 3, line 19, after the word "felony," strike out the rest of the paragraph.

The CHAIRMAN. The question is on the committee amendment.

Mr. BLANTON. Mr. Chairman, I rise in opposition to the committee amendment.

Mr. O'CONNOR. Mr. Chairman, I offer the following substitute for the committee amendment.

The CHAIRMAN. The gentleman from New York offers a substitute amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. O'CONNOR as a substitute for the committee amendment: Page 3, line 19, after the word "felony," instead of the committee amendment strike out the words stricken through and insert the words "including any felony under the provisions of the National Prohibition Act."

Mr. O'CONNOR. Mr. Chairman, my amendment may be superfluous, because if we stop at the word "felony", it would include any felony under the National Prohibition Act, but to clarify the situation that was called to our attention by the gentleman from Texas [Mr. BLANTON] this morning, my amendment makes it clear that any person who has been convicted of any felony, including any felony under the

National Prohibition Act, shall not be granted a license. I offer the amendment.

Mr. BLANTON. Mr. Chairman, I rise in opposition to the substitute offered by the gentleman from New York.

I am afraid the gentleman from New York [Mr. O'CONNOR] has capitulated. I understood him to say that he was in favor of the language of this bill, which the committee now proposes to strike out, just as it was first written when introduced, which would prevent licenses from being granted to persons convicted of violating the prohibition laws or the gambling laws.

Mr. O'CONNOR. Pardon me. I did not say that.

Mr. BLANTON. Well, I meant the gentleman was against the granting of any license to any man who had been convicted under the prohibition laws, whether of a felony or not.

Mr. O'CONNOR. I did not say that.

Mr. BLANTON. Then I misunderstood the gentleman. I understood him to say that shortly after this debate began and that was the reason I wanted to compliment him. This is the way the bill reads as first introduced, and which language the committee and the gentleman from New York [Mr. O'CONNOR] now seek to strike out, to wit:

Who has never been convicted of a felony, or been adjudged guilty of violating the laws governing the sale of intoxicating liquors or for the prevention of gambling in the District of Columbia.

That is the way the bill was first introduced, providing that such an offender could not secure a license, but now the committee is seeking itself to strike out that language so that a man who has been convicted one time or many times of violating the prohibition law, or who could have been a racketeer or a bootlegger or an Al Capone, just so long as he was not convicted of a felony could be granted a license.

Mr. FITZPATRICK. Will the gentleman yield for a question?

Mr. BLANTON. Certainly.

Mr. FITZPATRICK. Several times on the appropriation bills with reference to the enforcement of prohibition we offered amendments providing that men who had committed any kind of a felony could not be employed or put on the rolls of the Prohibition Enforcement Bureau. How did the gentleman vote on those amendments?

Mr. BLANTON. I have never voted to employ any criminal. I asked Colonel Woodcock not to employ such men and not to keep them on his force. I commended Colonel Woodcock when he refused to reinstate two Texans whom he had discharged for drunkenness and improper conduct.

Mr. FITZPATRICK. How did the gentleman vote on that amendment? We only got 61 votes on the amendment.

Mr. BLANTON. I voted with my friend. The gentleman will find me voting to put only first-class men in all Government positions.

Mr. O'CONNOR. Will the gentleman yield?

Mr. BLANTON. I only have a few minutes. I regret that I cannot yield further at this time.

I wish to remind you that in the past there have been palatial gambling houses here in the District of Columbia with thousands of dollars on the table; dice tables, roulette wheels, faro games, poker games, every kind of gambling you can think of, robbing hundreds of Government employees. They have been convicted time after time. But such an offense is a misdemeanor and not a felony. If you strike this provision out of this bill, as the committee asks you to do, the proprietor of such places can get a license to sell beer, even though he may have been convicted a dozen different times.

Mr. MAY. Will the gentleman yield?

Mr. BLANTON. In just a minute. I would gladly yield to my friend but I want to use my own time. All of my time will be gone in a minute.

Do you want to license that kind of man? You will do it if you strike out this provision.

Now, in our lives many of us here have played poker [laughter], but we played with honest men. We did not even have to cut the cards [laughter], but when you play poker or faro or roulette or dice in these dens you are play-

ing against stacked cards and loaded dice and fixed roulette wheels, and they have been robbing some Government clerks and other good citizens for years and years. If you strike out this provision and vote for the committee amendment, you are permitting every one of those gambling-house proprietors to be licensed to sell beer. Do you want to do that? If you do, vote for the committee amendment. If you do not, leave the language as it is, and put some decency in this wet bill.

Mr. MAY. Will the gentleman yield?

Mr. BLANTON. I yield to my friend from Kentucky.

Mr. MAY. If the gentleman wishes to prevent the repeal of the eighteenth amendment, as he does, he should leave it as it is.

Mr. BLANTON. My friend is correct. Beer joints run by former law violators will help us drys keep you wets from repealing the eighteenth amendment. I want to see this great National Capital preserved as a safe place of beauty for the people of the United States to come and visit. It is their Capital. We have provided for them one of the finest tourist camps in the world in Washington, on the Potomac. It does not cost people much to come here to see their Capital and see their institutions, and I want it to be a safe and decent city. I want it to be perfectly safe for men and women and little children. That is why I want you to vote down this committee amendment and not permit licenses to be granted to bootleggers and crooks and professional gamblers who have been convicted of violations of the prohibition laws or who have carried on dishonest gambling houses in the District of Columbia.

The CHAIRMAN (Mr. LOZIER). The time of the gentleman from Texas [Mr. BLANTON] has expired.

Mr. BLACK. Mr. Chairman, the committee is agreeable to the O'Connor amendment. It represents a compromise between two different schools of thought on this question. Some people want everybody to be licensed to sell beer, and others, like the gentleman from Texas [Mr. BLANTON], who plays poker but does not recognize the "new deal", wants nobody to sell. All good legislation is brought about by compromise. The gentleman from New York [Mr. O'CONNOR] is the great compromiser on this question. The committee is willing to accept his amendment.

Mr. STALKER. Mr. Chairman, I ask unanimous consent that the amendment may again be read for information.

There being no objection, the amendment was again reported by the Clerk.

Mr. SMITH of Virginia. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SMITH of Virginia. If this amendment prevails, does the language of that paragraph stay in the bill or does it go out under the committee amendment? In other words, is this a substitute?

Mr. BLANTON. The other language goes out of the bill if this amendment is adopted, so that you would be able to license a gambling-house owner.

Mr. SMITH of Virginia. Under the amendment offered by the gentleman from New York the present language stays in the bill, does it not?

Mr. BLACK. No; no. Mr. Chairman, I ask unanimous consent that the Clerk may read the bill as it would read if the O'Connor amendment is adopted.

The CHAIRMAN. Without objection, the Clerk will read the paragraph as it would be amended by the O'Connor amendment.

There was no objection.

The Clerk again read the paragraph with the O'Connor amendment.

Mr. WHITTINGTON. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman, it occurs to me that the substitute proposed by the gentleman from New York would add nothing to the bill, because a felony is a felony whether it be under the national prohibition act or any other act; and it does strike me that people who have operated gambling dens and people who have been convicted under the national prohi-

bition act should be prohibited from securing licenses to sell beer. The thing to do is to vote down the substitute.

Mr. O'CONNOR. Mr. Chairman, will the gentleman yield?

Mr. WHITTINGTON. I yield.

Mr. O'CONNOR. Of course, if any of these gentlemen who have been operating these gambling dens we hear of have been convicted of a felony, they can not get a license under the first provision of this section.

Mr. WHITTINGTON. I repeat my argument, answering the gentleman's statement, that the gentleman's substitute would be meaningless. A felony is a felony whether it be under the prohibition act or any other act.

Mr. O'CONNOR. Had the gentleman listened to my first remarks, he would recall that I admitted it was superfluous.

Mr. WHITTINGTON. If it is superfluous, then we ought not to have it in the bill. The thing to do is to vote down the substitute, vote down the committee amendment, and thus leave the language of the bill as it was originally drawn, denying licenses to those convicted of liquor and gambling violations.

Mr. BLACK. Mr. Chairman, will the gentleman yield?

Mr. WHITTINGTON. I yield.

Mr. BLACK. The committee amended the bill by striking out the language in reference to violations of the National Prohibition Act, but left in the bill felonies as disqualifying a man to receive a license. Then a doubt was cast as to whether or not the word "felony" extended to felonies under the National Prohibition Act, and in order to clarify the situation the gentleman from New York [Mr. O'CONNOR] offered the amendment.

Mr. WHITTINGTON. In answer to the gentleman I may say that a felony is a felony. I have high regard for the gentleman's opinions and views, but he is wrong in this matter, and I hope this substitute will be voted down and that the language as originally carried in the bill will be retained. With all deference, his explanation does not explain. I remind the gentleman that convictions cover not merely beer but all intoxicating liquors. The rule is to punish, not reward, those who violate the laws.

Mississippi does not permit common gamblers or drunkards to serve on juries.

The qualification is reasonable and in the interest of law and order. The substitute is merely an excuse to eliminate the qualification. The friends of the bill are in effect legalizing the bootlegger.

Mr. STALKER. Mr. Chairman, I rise in opposition to the pro-forma amendment.

Mr. Chairman, I believe the bill should remain as written, that not only should the substitute amendment be voted down but the committee amendment as well.

If these amendments prevail, the Commissioners of the District of Columbia will be authorized to license the bootleggers of the District of Columbia. The fact they have been violators of the National Prohibition Act proves they have no respect for the law. If it is the intention of Congress to elevate this business, why not exclude the bootleggers? I believe both these amendments should be voted down.

The CHAIRMAN. The question is on the substitute amendment offered by the gentleman from New York [Mr. O'CONNOR].

The substitute amendment was rejected.

The CHAIRMAN. The question is on the committee amendment.

Mr. WHITTINGTON. Mr. Chairman, I ask that the committee amendment be again reported so we shall understand it.

The CHAIRMAN. Without objection, the Clerk will again report the committee amendment.

There was no objection.

The Clerk again read the committee amendment.

Mr. BLACK. Mr. Chairman, I wish to be heard on this amendment.

Mr. Chairman, the reason for the committee amendment is that the committee believed that men who have been en-

gaged in this illicit traffic in a minor capacity should not be forced to stay outside the pale of the law, inasmuch as Congress itself has come within the pale of common sense and of decent morals. We believe that men who served, as I say, in these lower capacities did not offend seriously against the Government and should not be deprived of making a living legally in the same capacities they have been making a living illegally while it was a violation of law. It seemed only fair, it seemed only just, and it seems to be in the interest of proper administration of this law. If this law means anything, it means to prevent so many violations of law, and I do not believe that Congress now, after 12 years, having said it has been all wrong on this question as far as beer is concerned, believes that the men who themselves said Congress was all wrong for 12 years and that they would operate anyway should be barred.

It is going to force a great number of men into illicit traffic in liquor. It is going to keep them outside the pale of the law, decent, self-respecting men who by economic stress were forced to go ahead and sell as bartenders beer in violation of the law; and I think it is a crying shame that Members of the House, once having admitted that Congress has been wrong on this question, should not allow these men to go ahead decently and legally and sell. As a matter of fact, the United States Government itself is to a certain extent in the beer business, for the Government is assuming the right to take taxes from beer. If the Government has the right to do this, why is not the Government willing to let these fellows go ahead?

Mr. MAY. Mr. Chairman, will the gentleman yield?

Mr. BLACK. I yield.

Mr. MAY. I am in sympathy with the conclusions reached by the gentleman, but I think it is a mistake to fix it so the Commissioners can license a man who has been convicted by a court of competent jurisdiction.

Mr. BLACK. Another element entering into the situation is the moral character of the man. This has got to be considered. The commissioners have the power to consider it. They are given some discretion. But it would seem that the mere ipso-facto conviction of a misdemeanor should not bar a man from earning a livelihood in this way, if he is of generally good moral character.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. BLACK. Certainly.

Mr. BLANTON. If we vote for this committee amendment and strike this language out, is it not a fact that a bootlegger can be licensed?

Mr. BLACK. A bootlegger could be licensed, provided—

Mr. BLANTON. Is it not a fact that a gambling-house proprietor could also be licensed?

Mr. BLACK. I refuse to yield any further. I yielded for 1 speech and 1 question but not for 2 speeches.

It is a fact that a bootlegger could be licensed provided the commissioners are satisfied he is a man of good moral character.

Mr. FITZPATRICK. Will the gentleman yield?

Mr. BLACK. Yes.

Mr. FITZPATRICK. Is it not a fact that after the repeal bill was passed, several States freed their prisoners convicted under State prohibition laws?

Mr. BLACK. Yes.

Mr. DINGELL. Will the gentleman yield?

Mr. BLACK. Yes.

Mr. DINGELL. I should like to ask this question, because I think this would solve the problem: Would not an amendment to substitute a period for the comma solve the entire situation?

Mr. BLACK. We have tried to solve it in this way.

Mr. O'CONNOR. Mr. Chairman, I want to make it clear to the gentleman, and I have been trying to make it clear to him, that I am almost with him, but the gentleman does not seem to appreciate it.

Mr. BLANTON. I wish the gentleman were altogether with me. [Laughter.]

Mr. O'CONNOR. I may be some day if they start violating this law.

Under the Jones Act or the so-called "5 and 10 law", with the passage of which the gentleman from Texas and the gentleman from New York [Mr. STALKER], the co-author of the bill, had so much to do, the mere sale of a pint of liquor was a felony. My idea was not to forever prevent the granting of a license to a man who was found guilty solely of being in possession of a little flask of whisky. The sale was made a felony under the Jones law. Under my amendment it is made perfectly clear that a man cannot get a license if he only sold a pint and for such sale was only fined \$25. Most of the people throughout the country may think I am a little harsh, but I believe this matter could be clarified if, instead of my amendment, you put in the words, after the word "felony", under the laws of any State or the laws of the United States", so that you would exempt from this harsh proscription the man who was convicted merely of possession or some minor offense under the prohibition law.

I believe it is unfair to do otherwise. He may have taken a plea of guilty with respect to possession to save his employer or to save somebody else, or he may have done it to get rid of the matter. We have what is known as "bargain day" in the United States courts when anybody charged with any violation of the law may come in and the simplest and the cheapest and the most expeditious way is to plead guilty and pay a \$10 fine or no fine and get a suspended sentence. The district attorneys have encouraged this procedure. These pleas very often are not correct. Many of the offenders could, probably, prove their innocence if they wanted to take the time and incur the expense of an attorney and wait for their cases to be heard.

I believe if you will just bar the felons and make it clear that it is not only felons under State law, but felons under the laws of the United States, you will meet the purpose that most of us here want to achieve.

Mr. WHITTINGTON. Mr. Chairman, I rise in opposition to the committee amendment.

This paragraph of the section goes to the character of the licensee and provides, among other things, that he must be not less than 25 years of age and must not have been convicted of a felony.

The committee amendment, Mr. Chairman, in my judgment, is wrong. It would strike from the bill as introduced the language—

or had been adjudged guilty of violating the laws governing the sale of intoxicating liquors.

The sale of intoxicating liquors, even with the passage of the beer bill, is still prohibited if they are spirituous liquors.

If this provision of the bill is stricken out or if the committee amendment is adopted, a person may have been convicted of violating the national prohibition laws and still be eligible to be licensed. It does strike me that if we are to have beer legislation in the District, the legislation should be orderly; those in the conduct of the business should be men of good standing and should not be men who have been convicted, under the laws of the United States or of any State, either of a felony or of a misdemeanor with respect to national prohibition or gambling laws.

The gentleman from New York [Mr. O'CONNOR] has suggested an amendment. He said that if a man had been convicted of a felony in violating the laws of the United States or the laws of a State where the sale of liquor or a violation of the liquor law was a felony, he should be debarred. The pending provision goes to a violation of the laws of the United States or the laws enacted by Congress with respect to the District of Columbia. Whatever may be said about beer legislation, whether we be for it or against it, surely Congress can do nothing less than provide for the orderly administration of the law. The law passed for the sale of beer in the District of Columbia will likely be followed by many States. It should provide for the best possible control and regulation.

Congress certainly should provide that those who sell beer shall be men of good reputation, not men who have violated

the law, not men who have sold spirituous liquors, not men who have conducted or may have been found guilty of conducting gambling institutions.

I am opposed to the committee amendment, and I trust that the provision as originally introduced may be retained.

Mr. MAY. Will the gentleman yield?

Mr. WHITTINGTON. I yield.

Mr. MAY. If a man walks up to the counter to buy beer in the District of Columbia and sees a former bootlegger waiting on him, will not that have a bad effect on the public mind?

Mr. WHITTINGTON. No question about it, in all the States and cities before the eighteenth amendment applicants for licenses were carefully examined and their reputation gone into. Are you going to take off the bridle here and let down the bars and allow the applications of men who violated the law?

Mr. FITZPATRICK. I want to say to the gentleman that we tried to eliminate these men from the pay roll in the enforcement act, and we could only get 61 votes in favor of it, and the gentleman was one who voted against it.

Mr. WHITTINGTON. I have always favored debarring those convicted of violating the law. At the same time I have stood for law observance. The remedy is to change but not to repudiate or encourage if not invite violation of the law. Let me say that under this language all violators who have been convicted of misdemeanors or felonies will be debarred. Every man engaged in the administration of the law ought to be a man of good repute.

Mr. BLANTON. Will the gentleman yield?

Mr. WHITTINGTON. I yield.

Mr. BLANTON. When this same bill was favorably reported by this committee in the last Congress it contained this language, which prevented a bootlegger from getting a license. What has caused the gentleman from Maryland and others to change their attitude so quickly?

Mr. WHITTINGTON. Regardless of his change, the gentleman was right then and wrong now.

Under the leave to extend, I call attention to the fact that the provision under consideration prescribes the qualifications of the applicant. He must be a citizen of the United States. License cannot be granted to a foreigner. The applicant must be 21 years of age. He must never have been convicted of a felony. As introduced, the bill further provided that the applicant must never have "been adjudged guilty of violating the laws governing the sale of intoxicating liquors or for the prevention of gambling in the District of Columbia." The committee amendment strikes out the qualifications just mentioned.

I am not discussing the question of whether beer should or should not be sold in the District of Columbia. Personally, I believe that Congress is without authority to provide for the sale of the beer prescribed in this act, which is 3.2 percent by weight or 4 percent by volume. Such beer in pre-Volstead days was the ordinary beer. It was then regarded as intoxicating in fact, if drunk to excess. Such beer, in my opinion, is still intoxicating. It is not within the limits of the Constitution. The Democratic platform favored an immediate modification of the Volstead Act to legalize the manufacture and sale of beer and other beverages of such alcoholic content as is permissible under the Constitution. I stand on the platform. I will vote for a modification in accordance with the platform. I cannot vote for a modification in violation of both the platform and the Constitution. The Constitution prohibits the sale of liquors intoxicating in fact. Beer, 3.2 percent by weight or 4 percent by volume, by the great weight of authority and by the adjudications in practically all the States, has been held to be intoxicating in fact. I want to be liberal, but I must comply with the Constitution. I will go so far as to give beer the benefit of any doubt as to alcoholic content—2.75 would be the limit.

While I cannot vote for the beer bill, because I believe it to be in violation of the Constitution, nevertheless I want to perfect it. If beer is to be sold, the sale must be

regulated and controlled. It should be sold by applicants of good reputation and not by violators of the law.

Before the eighteenth amendment all States and municipalities provided restrictions for applicants. If liquor is to be controlled, the applicants must be scrutinized. Those who have violated the laws governing the sale of liquors or for the prevention of gambling should not be licensed.

As I have stated, some States made violations of the liquor laws felonies. In other States violations were misdemeanors. The bill as introduced would make all violators of the laws, whether felonies or misdemeanors, ineligible for a license.

The advocates of beer say that there must be no return of the saloon. The saloon and gambling went hand in hand. The bill provides that those adjudged guilty of violating the laws for prevention of gambling are disqualified. The committee amendment would likewise remove this restriction.

I recognize that the advocates of beer are in the majority. I stand for the orderly processes of the law. There must be regulation and control of the sale of intoxicating liquors. While the sale of beer is authorized on the theory that it is nonintoxicating, the pending bill treats it as intoxicating. Its sale is regulated and controlled. The very fact that such regulations are provided for and that the beer is treated as intoxicating liquors were treated in pre-Volstead days is ample proof that the beer is intoxicating in fact and thus in violation of the Constitution of the United States. Nevertheless, while the law remains in force there should be reasonable regulation and control. The best way to provide for control is not to reward bootleggers and gamblers by granting them licenses.

The argument that former bootleggers will sell again in violation of law unless they are permitted to be applicants is utterly unsound. It is really unthinkable. Congress may legalize beer. The eighteenth amendment may be repealed, but the progress of society will not be advanced by recognizing or rewarding violators of the law. I therefore trust that the committee amendment will be rejected.

[Here the gavel fell.]

Mr. CELLER. Mr. Chairman, I hope the committee amendment will prevail, because if you do not support the committee amendment the very men you inveigh against will be back in the business, but in an illegal way. Rather encourage them to "go straight" and sell properly. Furthermore, these very men have been doing something which you by this act today declare is innocent. By the passage of the repeal of the eighteenth amendment to be presented to the people, bootleggers by your judgment have been doing innocent acts, and why should the bar sinister be continued on them?

The gentleman from Texas has been doing everything in his power to keep the criminal element in the bootlegger business. He has been the first to come here at all times to keep in the enforcement service murderers, crooks, thieves, and criminals of all classes.

Mr. BLANTON. I deny that. I have done no such thing. I have been insisting that all murderers, crooks, thieves, and criminals be sent to the penitentiary. It is from the gentleman himself they have received protection and encouragement.

Mr. CELLER. It does not lie in his mouth today to say what he has said with reference to this subject. He has by his stubborn insistence in keeping nefarious persons in the service done much to discredit prohibition.

Governor Rolph, of California—and I hope others will follow his move—has freed from the jails all who have been convicted of selling liquor, because those violators have done nothing involving moral turpitude. How can there be anything immoral in what they have done? The buyer has never been guilty as is the seller. The gentleman from Texas [Mr. BLANTON] would be the last, as would be the senior Senator from his State, to declare that the man who bought the liquor would be equally guilty with the man who sold it. Yet the buyer is not one whit less or more guilty than the seller. Therefore, as to what these men have been

doing, you have put the imprint of innocence on them. Why should you continue to hold them guilty?

Mr. BLANTON. The gentleman from New York has made an incorrect statement both as to my own attitude and as to that of the senior Senator from Texas [Mr. SHEPPARD]. Both of us have stood for just the contrary. The gentleman from New York must be unfamiliar with my House Joint Resolution No. 6, introduced by me on March 9, 1933, now pending before the Committee on the Judiciary, an identical copy of which I had pending in the last Congress.

Mr. CELLER. If they are innocent, they should be free to ply this lawful trade, the trade that you now make lawful. Furthermore, you would be putting an additional penalty upon them which you have no right to do. These innocent men have gone to jail and have suffered. They should not have gone to jail. Men like the gentleman from Texas put them there. The sin is on their heads. Now you say in addition that they shall not make a living, that they shall continue in punishment. That is a grievous wrong, and I do indeed hope the gentlemen will stand by the committee.

Mr. BLANTON. The bootlegger put himself there. His own voluntary acts brought his punishment upon him. And I thank God that no bootlegger has ever received any encouragement from the gentleman from Texas. I am in no way responsible for his downfall.

Mr. PALMISANO. Mr. Chairman, I call attention to the fact that there are three amendments on the Clerk's desk which will require an applicant to make application under oath, and the commissioners have all the authority that you can put into their hands to keep out criminals and bootleggers of the undesirable class. Some little fellow, who may have worked for somebody else, through misfortune may have violated the law once, and then has quit the business. And if you do not agree with the committee, you will prevent such a man from obtaining a license under this law.

Mr. WHITTINGTON. If that theory is true, why put restrictions at all as to age, or as to the commission of a felony, or running a gambling institution?

Mr. PALMISANO. I did not put any age in this.

The CHAIRMAN. The question is on agreeing to the committee amendment.

The question was taken; and on a division (demanded by Mr. STALKER) there were—ayes 129, noes 88.

So the committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 4, line 14, insert, after the word "business", "Provided, That in case the applicant be a corporation, firm, or association with more than one place of business, the name of a person or persons who shall be in actual charge of each location of the licensed business shall be designated, and the person or persons so designated shall have all the qualifications of an individual applicant."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Amendment offered by the committee: Page 2, line 20, after the word "therefor", insert the words "under oath."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 2, line 20, after the word "form", insert the following: "and containing such information."

Mr. BLACK. Mr. Chairman, I think we should hear something about that amendment.

Mr. PALMISANO. Mr. Chairman, the applicant must state under oath and in such form containing such information as the Commissioners may desire.

Mr. BLACK. I rather think that amendment is not in conformity with the scheme of the bill. That amendment should have been adopted in case the committee had decided to adopt another amendment, but I think at present it would be very disturbing in the construction of the bill. I think the gentleman has offered it through a mistake. It is not in conformity with the scheme of the bill now. If we had adopted another amendment suggested by the authorities of the District, then this would be a proper amendment. I think it is not necessary under the present scheme of the bill.

Mr. PALMISANO. Of course, the oath is the main thing that we want in the bill. I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Without objection, the amendment will be withdrawn.

There was no objection.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 3, line 1, after the word "consideration", insert a comma and the words "among other things."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

Mr. BLACK. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. BLACK: Page 4, strike out all of lines 5 and 6.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York.

Mr. BLANTON. Mr. Chairman, I rise in opposition to the amendment. Under this amendment, if you strike out these two lines, a licensee then could have many other beer saloons or joints or parlors or cafes, and so forth, scattered all over Washington. I understood from the committee that they were not in favor of any brewery or other monopoly. Why strike this out? Why not leave the language in?

Mr. BLACK. The reason for striking it out is a simple one. Let us say there is a corporation which owns more than one hotel. Are you going to give them a license for just one hotel and not for the other?

Mr. BLANTON. If they designedly acquire and own 50 so-called "hotels" or "cafes" in Washington, merely to monopolize the beer business, do you want to permit that? They ought not to have the right to monopolize any business, beer or otherwise, in Washington.

Mr. BLACK. But the Committee of the Whole has already adopted an amendment providing for licenses being issued to the ownership of more than one place.

Mr. BLANTON. I cannot yield further. Now, I will tell you what will happen. The great Standard Oil Co. of New Jersey—and I trade with them sometimes—operates the biggest service station in the world down here on Constitution Avenue. It is a wonderful service station, but that is not the only one it has here. It has them scattered all over this city. It has run out competition. It has bought up places and run off the little retail operator. It has stations from one side of Washington to the other. That is what you will provide for under this amendment. Whenever you strike out this language you will permit these big corporations to come in and monopolize the beer business in Washington. They will run out the little fellows, and they will put their chain beer joints from one side of the District to the other. They have plenty of money. They can buy lots and they can build attractive little joints. The gentleman from New York [Mr. BLACK] comes from a place where monopolies thrive. He does not realize the viciousness of this problem.

Mr. PARKER of Georgia. Will the gentleman yield?

Mr. BLANTON. I yield.

Mr. PARKER of Georgia. Will the gentleman ask the chairman of the committee if he proposes to strike out 7 and 8? If he does strike out the provisions of paragraph 6, they render the others ineffective.

Mr. BLANTON. Well, this bill when introduced was carefully written by my good friend from Maryland, Mr. PALMISANO, and his assistants in the last Congress. He had some opposition to it in his committee. He overrode all opposition. He reported his bill out in the last Congress. It came here just as he wanted it. It then contained these lines 5 and 6 that are now in paragraph 6. Why does he now want to strike them out? What has come about in so short a time that he now wants to give this protection to monopolies? I think this is one amendment, especially, that ought to be voted down.

Mr. BLACK. Mr. Chairman, after the House adopted the proviso to paragraph 8 there was nothing left to do except strike out paragraph 6, because the proviso permitted the agents of corporations to operate more than one place. If we have paragraph 6 left in the bill, then 7 does not mean anything. If we have 7 in, then 6 does not mean anything. The Committee of the Whole acted on paragraph 7, which was quite natural. Now, it has happened this way: The committee, in reporting the bill, authorized two members of the committee to revise the language of this bill so that there would be no inconsistencies, but, due to the haste and excitement of the public in the District of Columbia to see a beer bill reported, the men in charge reported the bill without making proper revision. In consequence we have met with this situation.

On the material effect of this: There is more than one hotel in the ownership of one management in the city of Washington. There are drug stores scattered all over the city under one management. I have fought the chain stores. I have fought mergers as hard as anybody on the floor of this House. I am against monopolies here and in New York, but I do not believe you will have any successful attack on mergers by such a collateral attack as this. We have to visualize Washington as it is. There are chain stores all over the city and there is more than one hotel under one management.

Mr. O'CONNOR. Will the gentleman yield?

Mr. BLACK. I yield.

Mr. O'CONNOR. My first impression was similar to the impression of the gentleman from Texas [Mr. BLANTON]. This morning I spoke against monopolies, but I realize the difficulties which confront the gentleman. If there are two hotels in the same management, they should be licensed. I suggest to the gentleman that the Commissioners have the power to issue licenses. They should know, however, whether or not a man is the owner of another license. That statement might well be included in the application, and leave it to the Commissioners whether or not they will permit the establishment of a monopoly, which none of us wants.

Mr. BLACK. I accept the suggestion of the gentleman. I ask unanimous consent, Mr. Chairman, to withdraw my amendment, and I will offer an amendment to take its place.

The CHAIRMAN. Without objection, the amendment offered by the gentleman from New York [Mr. BLACK] will be withdrawn.

There was no objection.

Mr. BLACK. I offer an amendment, as follows, Mr. Chairman: On page 4, line 5, after the word "is", add the words "or is", so that it will read "applicant is or is not the owner."

The Clerk read as follows:

Amendment by Mr. BLACK: On page 4, line 5, after the word "is", insert the words "or is."

The amendment was agreed to.

Mr. SMITH of Virginia. Mr. Chairman, I have a series of amendments to this section, if the committee has finished. I offer the first one.

The Clerk read as follows:

Amendment offered by Mr. SMITH of Virginia: On page 3, in line 5, after the word "District", strike out the period, insert a comma and the following: "which number may be increased or diminished at any time in the discretion of the Commissioners."

Mr. BLACK. Mr. Chairman, rather than consume any more time considering the matter, the committee has decided to accept the amendment.

The amendment was agreed to.

Mr. SMITH of Virginia. I offer a further amendment.

The Clerk read as follows:

Amendment offered by Mr. SMITH of Virginia: On page 3, in line 7, after the word "license", insert the following: "shall contain the answer of the applicant under oath to such questions as the Commissioners may propound and in addition."

Mr. BLACK. Mr. Chairman, the committee accepts the amendment.

The amendment was agreed to.

The Clerk read as follows:

Amendment offered by Mr. SMITH of Virginia: On page 3, in line 25, after the word "is", insert the word "knowingly."

Mr. BLACK. The committee accepts the amendment.

The CHAIRMAN. The question is on the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment offered by Mr. SMITH of Virginia: On page 4, line 8, after the word "license", insert the words "in person and."

Mr. BLACK. Mr. Chairman, I think we should hear from the gentleman from Virginia on this amendment.

Mr. SMITH of Virginia. Mr. Chairman, I wish to be heard on this amendment.

Mr. Chairman, the language on page 4, beginning with line 7, as amended by the amendment just offered, would read as follows:

That the applicant intends to carry on the business authorized by the license in person and for himself.

In other words, I am inserting the words "in person" merely for the purpose of tightening up this law a little.

I am rather apprehensive of what may happen unless there is a very strict personal supervision of these places by the person who is supposed to operate them, that is, the licensee—if the licensee does not personally operate it but leaves it to the superintendence of someone else.

Mr. WADSWORTH. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Virginia. I yield.

Mr. WADSWORTH. Would not the gentleman's amendment completely nullify the perfecting amendment offered by the gentleman from New York [Mr. BLACK] in lines 5 and 6 on the same page? Would it not have the result of preventing the management of two hotels, for instance, securing a license to sell in both at the same time?

Mr. SMITH of Virginia. That may be true. I merely offer the amendment for what it is worth. I believe this provision should be more stringent. It is my personal opinion that one person ought not to have more than one license, and that he should give his personal supervision to the business.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia.

The amendment was rejected.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment offered by Mr. SMITH of Virginia: On page 4, line 11, strike out the word "superintend" and insert in lieu thereof the word "conduct", and on page 4, line 13, strike out the word "superintend" and insert the word "conduct."

Mr. BLACK. Mr. Chairman, the committee has the same objection to this that was made by the gentleman from New York to the last amendment. The committee does not care to accept this amendment. It is not in harmony with the rest of the bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia.

The amendment was rejected.

The Clerk read as follows:

Sec. 5. Licenses issued under authority of this act shall be of two kinds: (a) "On sale" licenses, which shall permit the licensee to sell beverages for consumption on the premises only; and (b) "off sale" licenses, which shall permit the licensee to sell beverages in original packages for consumption off the premises only.

Mr. BLANTON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BLANTON: On page 4, line 25, after section 5, insert the following new section, to wit:

"Sec. 5 (a). It shall be unlawful to give or sell any of the above beverages on Sunday or to persons under 18 years of age. Any person violating this provision shall be subject to a fine not exceeding \$100 or be imprisoned not to exceed 6 months."

Mr. GOSS. A point of order, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. GOSS. Mr. Chairman, I make the point of order the amendment is not germane to the bill or to the section.

Mr. BLANTON. If the Chair is in doubt about it, I should like to be heard. The amendment is germane to both the bill and the section.

The CHAIRMAN. The Chair would like to hear from the gentleman from Connecticut on the point of order.

Mr. GOSS. Mr. Chairman, rule XVI states that two subjects are not necessarily germane because they are related. There are many places in the rules and precedents where the statement is made that if by either committee amendment or amendments from the floor new matter is injected into the matter under consideration, it would not be in order, under the rule of germaneness, just because the two matters are related.

The bill states:

Sec. 5. Licenses issued under authority of this act shall be of two kinds: (a) "On sale" licenses, which shall permit the licensee to sell beverages for consumption on the premises only; and (b) "off sale" licenses, which shall permit the licensee to sell beverages in original packages for consumption off the premises only.

From the standpoint of germaneness this section has nothing to do with the age of the applicant, the purchaser, or with the Sunday situation. The amendment is a blue law, as it were. Furthermore, the beer is not intoxicating anyway. Coca-Cola is sold in drug stores. If these are non-intoxicating beverages, why differentiate against them?

Mr. BLANTON. Mr. Chairman, section 5 provides for licenses as to both retail and wholesale handling of this liquor. It provides for licenses to sell this liquor to be drunk on the premises or to be taken away to be drunk elsewhere. Any matter that pertains to how it shall be sold, when it shall be sold, or to whom it shall be sold is germane to the bill and is a proper limitation under the bill.

Mr. O'CONNOR. Mr. Chairman, I should like to be heard on the point of order.

The CHAIRMAN. The Chair recognizes the gentleman from New York.

Mr. O'CONNOR. This amendment is not germane to this particular section. The chairman of the committee proposes to introduce a similar amendment when we come to the matter of violations.

The CHAIRMAN. This particular section deals with the kinds of licenses and imposes no restrictions whatever.

The particular amendment that is offered deals with dates and also with age limits in the form of restriction.

The amendment would be germane to a later section in the bill and, of course, could be offered at that point, but it seems to be not germane to this particular section.

Mr. BLANTON. Did the Chair note that I offered it as a new paragraph?

The CHAIRMAN. The Chair so understands, but it must be germane to the part of the bill to which it is offered. It is germane to a later section of the bill, and the gentleman may offer it at that point.

The Clerk read as follows:

Sec. 6. All applicants for "on sale" licenses shall pay to the District of Columbia a license fee of \$100 per annum, the same

to be paid before the license is issued. "Off sale" license fees shall be \$25 per annum payable in like manner. Each kind of license shall be good for 1 year from its date unless sooner revoked by the Commissioners of the District of Columbia.

With the following committee amendment:

Line 4, page 5, strike out "\$25" and insert in lieu thereof "\$50."

The committee amendment was agreed to.

Mr. O'CONNOR. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. O'CONNOR: On page 5, in line 2, strike out "\$100" and insert in lieu thereof "\$250."

Mr. O'CONNOR. Mr. Chairman, I do not believe there was ever such a small license fee in connection with the sale of any similar beverage anywhere. As I said early in the day I think \$100 is ridiculously low and that it should be at least \$250 for this license where they sell the beverages on the premises.

Mr. PALMISANO. Mr. Chairman, the gentleman from New York does not take into consideration that besides a \$100 license fee they will have to pay \$1 for each barrel of beer sold under this bill. If you were to strike out the tax of \$1 a barrel, then it would be all right to raise this to \$250, but you are charging the licensee under this bill a dollar for every barrel of beer he sells and if he sells a barrel a day, in addition to the \$100 which he has to pay for his license, he will pay \$312 more, assuming you do not permit the sale of beer on Sunday.

Mr. STALKER. Will the gentleman yield?

Mr. PALMISANO. Yes.

Mr. STALKER. Did the gentleman read in today's paper where the brewers propose to charge 10 cents a glass for this beer in the District?

Mr. PALMISANO. I am glad the gentleman from New York has brought up that question. There will be no 5-cent glass of beer under this bill unless you go into the sections where rents are cheap.

I stated before when I offered an amendment to the original bill in the Seventy-second Congress that the tax is entirely too high. The Federal Government is taxing this beer \$5 a barrel when the truth is that from 1862 until 1914 the tax was never more than \$1 a barrel. Today you are taxing it \$5 a barrel and besides this you are taxing the people of the District an additional \$1 a barrel, which will mean \$6 a barrel.

Mr. CELLER. Will the gentleman yield?

Mr. PALMISANO. I yield.

Mr. CELLER. I have been in consultation with a number of the brewers and they tell me the average price per barrel of beer of 31 gallons will be \$12. If you superimpose on \$12 a \$5 general tax and the \$1 tax which you have in this bill, you have a total of \$18. Furthermore, all that the retailer could get out of a 31-gallon barrel of beer, dishing it out in 8-ounce glasses, would be from \$20 to \$21, allowing for a wastage of 10 percent. So all you would allow for the retailer would be the difference between \$20 or \$21 and \$18 or \$19, and if you add to this a license tax of \$250 you would make it still more nearly prohibitive. So the license must be reasonable, otherwise it will avail nothing for purposes of profit.

Mr. PALMISANO. Mr. Chairman, I cannot understand the gentleman from New York [Mr. O'CONNOR]. I stated before when he offered an amendment to the original beer bill providing for a tax of \$7.50 a barrel that if the amendment were to prevail, as far as Maryland was concerned we would not want any beer, because you would take it away from the very class of people we are endeavoring to give this beer, and that is the workingman. [Applause.]

You cannot sell an 8-ounce glass of beer of the best quality under the present law for 5 cents. Before the war a 16-ounce glass of beer obtained, but during these hard times you are going to say to the man who is unable to obtain any employment that the beer that he could buy before the war for 5 cents he will now have to pay 10 cents.

[Here the gavel fell.]

Mr. KNUTSON. Mr. Chairman, I ask unanimous consent that the gentleman may have 3 additional minutes. I would like to ask him a question.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. KNUTSON. Will the gentleman yield?

Mr. PALMISANO. Yes.

Mr. KNUTSON. What is the use of passing this legislation if the retail price of beer is going to be so high that the ordinary man cannot afford to buy, and what revenue will be derived from its sale?

Mr. PALMISANO. I make the statement that all your predictions about \$125,000,000 or \$200,000,000 of revenue to be obtained under the beer law will be wrong and you will not get \$75,000,000, because you are putting it beyond the reach of the workingman. It will not be consumed, and if it is not consumed, you will not get the revenue. [Applause.]

Mr. O'CONNOR. Will the gentleman yield?

Mr. PALMISANO. Yes.

Mr. O'CONNOR. The gentleman can never accuse me of not being anxious to get beer for the consumer. I stood on this floor when they had up the beer bill and someone took me to task for saying that the brewers were going to profiteer and that they would charge \$25 for the first barrel that came out of the brewery. The truth is now coming out. My colleague from New York today tells us that the brewers say they have got to get \$12 for a barrel of beer.

Before prohibition they never got over \$5 for any barrel of beer they produced. They appeared before our committee and told us that they could put out beer with a \$7.50 tax at \$13.50. Now they start out at \$12, with a \$5 tax.

Mr. PALMISANO. I want to say to the gentleman that I stated before the Ways and Means Committee that the price of beer would be between \$11 and \$12 per barrel; my prediction was based on what they charged before prohibition—five and a half to six dollars a barrel; the tax was then \$1 a barrel. It is a fair presumption that with a \$5 tax, they would charge \$11 to \$12. According to the committee's report, the brewers claim that they would charge \$6.38 over and above the tax; it would make it come to about \$11.38.

Mr. KNUTSON. With reference to the point raised by the gentleman from New York [Mr. O'CONNOR] will not that be regulated by the law of supply and demand?

Mr. PALMISANO. Unquestionably.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. O'CONNOR].

The question was taken, and the amendment was rejected.

Mrs. NORTON. Mr. Chairman, I move to strike out the last word. When we started on this bill I had no idea there could be so much talk on beer. I thought we had exhausted every argument with reference to that subject. [Laughter.] I find that we are now in the position of wasting a lot of time on nonessentials.

In view of the information I have just received that if we can finish the bill this afternoon, say, by 4.30 o'clock, the hard-working Members of the House will have a little vacation until next Monday morning, I sincerely hope you will assist by taking no unnecessary time. I am sure you are as anxious as I am to get away for a much needed rest. I hope the Members of the House will cooperate in the consideration of these amendments. I do not want to shut off any necessary debate on the bill, but I ask you to be as quick as you can in deciding what you want and what is necessary, so that the bill may be completed by half past 4. [Applause.]

Mr. SMITH of Virginia. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 5, line 2, strike out the figures "\$100" and insert in lieu thereof the figures "\$200."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia.

The question was taken, and the amendment was rejected. Mr. SMITH of Virginia. Mr. Chairman, I offer the following amendment:

The Clerk read as follows:

Page 5, line 5, after the word "good," strike out the words "for 1 year from its date" and insert "to the end of the fiscal year in which granted."

Mr. SMITH of Virginia. Mr. Chairman, under the law as drawn it provides that these licenses shall be issued from time to time during the year. They will thus be expiring at all times during the year. Therefore, there will be more machinery to be operated and a great deal more trouble about renewing a license, one today and another tomorrow. The purpose of this amendment is to provide that when first granted they shall expire with the fiscal year, and then all licenses will be granted at the end of each fiscal year, all at the same time, and the whole matter will be disposed of at one time, all expiring at one time.

Mr. GOSS. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Virginia. Yes.

Mr. GOSS. I want to find out if the gentleman prorates the fee for this license on the partial year. The amendment does not say so. So in reality, if the amendment be adopted, it would really increase the fee.

Mr. SMITH of Virginia. I have an amendment, in line 2, page 5, after the word "fee," to add "at the rate of." I do not know whether the Clerk has read that or not.

Mr. KNUTSON. Mr. Chairman, let us have the amendment read again.

The CHAIRMAN. As the Chair understands, the gentleman from Virginia asks unanimous consent to modify his amendment. Is there objection?

Mr. PARKER of Georgia. Mr. Chairman, I object.

The CHAIRMAN. Without objection, the Clerk will again report the amendment offered by the gentleman from Virginia.

There was no objection and the Clerk again reported the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia.

The question was taken; and on a division (demanded by Mr. KVALE) there were—ayes 36, noes 69.

So the amendment was rejected.

Mr. VINSON of Kentucky. Mr. Chairman, I move to strike out the last word and ask unanimous consent to revise and extend my remarks in the RECORD on H.R. 2820, the veterans' legislation, including certain excerpts from a speech made by me on May 3, 1932, on the same subject.

The CHAIRMAN. Is there objection?

Mr. LEHLBACH. Is such a request proper in the Committee of the Whole?

The CHAIRMAN. The gentleman has made some statements on it heretofore. Is there objection?

There was no objection.

Mr. VINSON of Kentucky. Mr. Chairman, ladies and gentlemen of the committee, I take this opportunity for expressing my views upon H.R. 2820, the bill which vested the President with power to rewrite the veterans' laws and which carried a reduction in salary of Federal employees. I have bided my time so that I might discuss the matter calmly and without heat. I impugn the motives of no one who supported said measure. In my 7 years' service here I have cast many votes which at the time did not meet the approval of all. This is the first time I have ever explained a vote after it was cast. If I had not spoken on the subject during its consideration, and given my reasons therefor, I have permitted time to answer my critics. In this instance, however, my vote upon this measure has been misunderstood, even to the point that disloyalty to the President of the United States was charged in the *Courier-Journal* and *Times*, published outside of my district. In short words, such charge is a malicious, willful, damnable lie.

At the time the vote was cast and now there is no man in this Congress that will stand by our great President longer or suffer more for him than will I. Others seem to

think that my motives were political; they are simply measuring my corn in their half bushel. The easy vote was "aye", and lay all responsibility in the future administration of veterans' legislation upon the shoulders of our President. I know it took more courage for me to follow my judgment and my conscience in that vote than to have said "aye" and hide behind the President of the United States.

Last year an effort was made to wipe off all veterans' legislation without any opportunity given veterans and their representatives to be heard. I opposed that measure and made a speech on the floor which I will hereinafter insert. It should be said that the substitute provision for this summary legislation saw the appointment of a joint committee with authority to investigate all veterans' legislation and to make recommendations for a national policy. This committee as yet has not reported, even though they spent months in the study of this great subject.

I have supported and I will support our President in all emergency legislation. The soldiery of our wars will gladly do likewise, but it was apparent to me that this was not emergency legislation in the sense that it needed action on that particular day, without hearings and without opportunity to amend the bill. First, that part referring to Federal employees provided for a definite cut for a definite period. For veterans it was the power in the Executive to rewrite all veterans' legislation as permanent law. In other words, as affecting Federal employees the cut was 15 percent for a limited period. For the veterans the cut was 100 percent in many instances, and permanent at that. I cannot justify the attitude of the Congress in the name of economy in cutting their own salary and other Federal employees 15 percent—which is, in the case of Senators and Congressmen, an additional cut of only 5 percent over the cut now in effect—and seeing groups of veterans cut 50 percent and 100 percent.

Another reason I did not consider it an emergency measure—one necessary for passage without hearings or opportunity for amendment—the saving was to balance the Budget for the fiscal year 1934, which begins July 1 of this year. The Senate took 3 days and 2 night sessions for consideration, after hearings before regular committee.

I want to set forth the conditions as they existed on Saturday, March 11, when I voted against this particular measure. Boiled down, there were four reasons for my opposing the measure at that time:

First. The consideration of the bill: (a) No hearings before the committee; (b) no explanation of the bill in the report of the committee; (c) no detailed information on the floor concerning the effect of the bill; (d) lack of time to make personal investigation; (e) no opportunity given to amend it.

Second. It was not such temporary emergency legislation as would justify support without proper consideration.

Third. It was contrary to my oft-expressed views and pledges.

Fourth. It is unconstitutional, in my opinion, in that it vests legislative authority in the Executive.

THE CONSIDERATION OF THE BILL

Upon Friday, March 10, the President's message was conveyed to the House.

That afternoon a resolution for the appointment of a special committee to handle this measure was passed. At the conclusion of the business of the day, five gentlemen were appointed upon this committee. Sometime Friday the bill was introduced. It could not have been referred to the special committee until after its appointment. The regular routine would have been to have submitted this bill to the veterans committee for its report. Never have I seen the procedure that was followed in the consideration of this measure. Never have I heard of such a course being pursued. A copy of the bill was not available to Members until about 10 o'clock Saturday morning, at which time a Democratic caucus was called. The committee held no hearings on the bill. The report which ordinarily sets up in detail the facts and the provisions of the bill failed utterly in that respect. The report contained 8½ pages. Seven and one-

half pages were merely a copy of the bill itself; the one page of the report gave no explanation of its contents.

The caucus was called to bind Democratic Members to support the bill. During its proceedings, Congressman BROWNING, of Tennessee, a very able and distinguished member of the Judiciary Committee, introduced an amendment to restrict the cuts in veterans' pay to a limit of 25 percent. His motion was adopted by some 40 or 50 majority. Thereupon a roll call in the caucus was had upon the resolution to bind the Democrats to support the bill and said amendment. The press accounts do not carry correctly the facts in respect of this vote. More than two thirds of the Democratic membership on a roll-call vote supported the resolution binding the caucus to support the bill with the Browning amendment. I voted "aye" both in the standing vote and the roll call in the caucus, but before the result was announced binding the caucus to support the bill with the Browning amendment, some 14 Members changed their votes from "aye" to "no." The final announcement did not show that two thirds had voted to bind the caucus. There were 178 Democrats to bind the caucus with the Browning amendment, and 108 against it.

A member of the Kentucky delegation, JOHN YOUNG BROWN, who so viciously attacks the gentlemen who did not vote as he did on final passage of the bill, actually voted to bind the caucus to support the bill with the Browning amendment on the roll-call vote. I understand that he was one who later changed his vote. I wonder if there was any disloyalty in his mind at the time he said "aye", or whether he was voting in accordance with his intellect and conscience. I take the liberty of saying that our leaders in the present Congress on the roll call just referred to, voted to bind the Democrats to support the bill with the Browning amendment—one at least changed his vote. No one would, for a moment, say that these great leaders of Democracy were in the least degree disloyal to the President of the United States when they first voted in the manner they did. Every member of the Kentucky delegation voted to bind the bill with said amendment. Brown alone changed his vote. There was no thought of disloyalty in their minds and there was no thought of disloyalty in my mind.

Upon adjournment of the caucus the House immediately convened. The bill was immediately taken up for consideration. One hour's debate on the side was agreed upon. Two gentlemen favoring the bill governed the time. Only those whom they selected could speak in opposition to the bill. I never saw that before in my experience here. Nobody explained the bill in detail, or attempted to explain it. The CONGRESSIONAL RECORD for that date will bear me witness. No real showing was made that it was emergency legislation. The employees' cut was temporary—for the emergency; the veterans cut, permanent. The Budget that it would balance begins July 1, 1933, and ends July 1, 1934. At the conclusion of this meager consideration, Mr. BROWNING desired to offer the amendment adopted in caucus for the 25 percent cut of all veterans' pay. He was not permitted to offer his amendment for a vote upon it. Such were the conditions under which this vote was taken.

When it got to the Senate, the bill was referred to the regular committee. They held hearings and debated the measure for 3 days and in 2 night sessions. Full opportunity to offer amendments was given. At one time Senator PAT HARRISON, chairman of the Finance Committee and spokesman for the administration (certainly representing the President), offered some 29 committee amendments which were agreed to without a single protest. Certainly, these amendments must have embodied the viewpoint of our President; evidently they cured injustices and discriminations that he desired to be cured. All told there were 44 amendments to the House bill adopted in the Senate, which facts show the haste in which the bill was considered in the House.

SENATE AMENDMENTS

I will discuss some of them, showing their nature and effect.

Amendment no. 4 reads:

Provided, That nothing contained in this title shall deny a pension to a Spanish-American War veteran past the age of 62 years entitled to a pension under existing law, but the President may reduce the rate of pension as he may deem proper.

This would insure the granting of a pension to a Spanish-American War veteran who has passed 62 years and entitled to a pension under existing laws. This proviso prevents his being cut off the pension rolls, but permits the President to reduce the rate as he sees proper.

Amendment no. 7 provides that veterans of any war suffering with tuberculosis or nervous ailments shall have hospital treatment.

Amendments no. 10 and no. 11 took care of some 100 cases where the injury was sustained during the World War service, even though it occurred subsequent to November 11, 1918. The bill which I opposed required that such disabilities must have occurred in service prior to such date.

Amendment no. 19 adds this language:

Or on any judgment heretofore rendered in a court of competent jurisdiction in any suit on a contract of yearly renewable term insurance, or which may hereafter be rendered in any such suit now pending.

This provision prevents the dismissal of any suit now pending in the Federal court upon war-risk insurance where there is a plea of total permanent disability. Further, it compels payment of any judgment rendered upon such policies heretofore. In other words, the bill which I opposed prevented the payment of a judgment rendered in Federal court of the United States upon such policy and would have finally dismissed all suits now pending in said court. The Government insurance policies carry a total permanent disability clause. The soldier paid for this insurance during the World War, and many of them since discharge. I have such a policy and I know the conditions which it contains. It cost me \$6.60 a month while I was in the service; and when I converted it into an ordinary life policy, it now costs me \$175.20 a year. This is very little less than an ordinary life policy with a regular insurance company taken at the same time. Were a person to suggest invalidating a contract in an ordinary life policy, constitutional guaranty against the impairment of contract would bar the way. I feel certain that such constitutional guaranty should be successfully invoked in this instance.

My friends, this is a civil contract, for which the insured has paid his full consideration; it is a binding obligation upon the Federal Government to pay the face of the policy in accordance with its terms when the insured becomes totally and permanently disabled. It certainly is proper for the insured, or the representative of the insured, to file application with the Government and have determination by the Veterans' Administration; but to me it is unthinkable that if some board find this fact against the insured or his representative, which finding is approved by the Director of Veterans' Administration, that such insured or representative of said insured shall not have opportunity in a proper judicial proceeding to establish the fact that such total and permanent disability existed. The bill which I opposed precludes forever any judicial determination of such fact and made final and conclusive the action of the agent of the Government who had decided the case in its favor. What would any fair-minded man say if the Federal Congress were to pass a law making final and conclusive the decision of a life-insurance company that an application for benefits under the total permanent disability clause in his policy of insurance was final, conclusive, and not reviewable in the courts? Exactly such condition existed in the bill which I opposed last Saturday.

Amendment no. 20 reads as follows:

Provided further, That, subject to such regulations as the President may prescribe, allowances may be granted for burial and funeral expenses and transportation of the bodies (including preparation of the bodies) of deceased veterans of any war to the places of burial thereof in a sum not to exceed \$107 in any one case.

Can anyone complain of leaving this provision of law in effect?

Amendment no. 21 reads as follows:

The provisions of this title shall not apply to compensation or pension (except as to rates, time of entry into active service, and special statutory allowances) being paid to veterans disabled, or dependents of veterans who died, as the result of disease or injury directly connected with active military or naval service (without benefit of statutory or regulatory presumption of service connection) pursuant to the provisions of the laws in effect on the date of enactment of this act. The term "compensation or pension" as used in this paragraph shall not be construed to include emergency officers' retired pay referred to in section 10 of this title.

This amendment prevents the removal from the compensation rolls of all veterans whose disabilities are actually traceable to direct service. It gives discretion to readjust rates but precludes any such veteran from being deprived of compensation for service-connected disabilities.

Amendment no. 25 reads as follows:

SEC. 19. The regulations issued by the President under this title which are in effect at the expiration of 2 years after the date of enactment of this act shall continue in effect without further change or modification until the Congress by law shall otherwise provide.

This amendment is self-explanatory.

The foregoing amendments came back to the House on Thursday, March 16, and were agreed to by the House. I voted for the amendments. They liberalize the House bill very materially.

The Clark amendment: A distinguished son of a distinguished Democrat offered an amendment in the Senate to cut 25 percent all veterans' pay, whether disability allowance or compensation. It was rejected by a vote of 28 to 45, with 21 Senators not voting. This amendment would have cut \$206,000,000 from the veterans' pay, which, with \$120,000,000 from employees, makes a total saving of \$326,000,000. It was strictly in conformity with the platform. The gentleman who introduced this was Senator BENNETT CLARK, son of that well-beloved Democratic leader, Hon. Champ Clark, of Missouri.

So it is apparent that the President was perfectly agreeable to the 44 amendments adopted by the Senate.

The press in commenting upon the votes favoring the Senate amendments left the impression that such a vote was a change in position for those who opposed the original bill. That is wholly inaccurate. The vote was on the Senate amendments. These amendments had removed several hardships and injustices. The Speaker, upon several occasions, stated definitely that this vote was on the adoption of the Senate amendments. My vote favoring the Senate amendments was in nowise indicative of any change in attitude originally expressed on the House bill.

IT WAS NOT SUCH TEMPORARY EMERGENCY LEGISLATION AS WOULD JUSTIFY SUPPORT WITHOUT PROPER CONSIDERATION

At the time of the vicious attack in the *Courier-Journal* last Monday, the bill through the press, had been considered solely as an economy measure—a Budget-balancing proposal. But Budget balancing was not necessary to be done in the manner we have set forth. I realized at the time I cast my vote that money would be saved the Federal Treasury by the passage of this bill. But I realized that this bill went farther than Budget-balancing purpose—it was pension reform legislation—a complete rewriting of all veterans legislation on the statute books. There can be no question that it is the repeal of veterans' legislation with the authority in the Executive to rewrite the law subject to the limitations set forth in this measure. No limitation was placed on it by the House—none was permitted. The Senate put 44 amendments in it.

I repeat there can be no question as to this fact. I say this on no less authority than the *Courier-Journal* itself. In its editorial column of Friday, March 17, it says:

To call this act merely an "economy measure" obscures its real merit and robs President Roosevelt of credit for a much more magnificent achievement. It could not have passed but for the dire strait of public finances. It doubtless will drastically cut the National Budget, but it in essence is pension reform.

The *Courier-Journal* knew this fact existed at the time it wrote its dastardly character-assassination editorial. But

knowing it, the editorial was pitched upon a failure to respond to Budget balancing. My friends, I know something about Budget balancing for the Federal Government. I am on the committee that will respond to the call of the President if there is a new tax bill. I knew that this legislation for war casualties was not presented solely as an "economy measure." It had the economy features, but with it was the pension-reform legislation of which the *Courier-Journal* now speaks. Can anyone say that pension-reform legislation was so urgent in nature as to justify the manner and form of its presentation and consideration to the House? Such high authority makes it unnecessary to discuss further the fact that it was not emergency legislation, such that would justify its passage with so hasty consideration.

Likewise, the same editorial is pitiful in its discussion of the constitutional phase of the subject. It is also high authority for the lack of constitutionality. It admits that the power to legislate upon this subject was taken away from Congress. However, the views as to constitutionality are personal, and I intend no criticism of our President relating to his view on this point.

IT WAS CONTRARY TO MY OFT-EXPRESSED VIEWS AND PLEDGES

My stand toward the veterans is well known in my congressional district. After each session of Congress—save the last one, when we immediately went into this special session—I have taken pains to inform the district of my activities and votes upon all major legislation. In public speech I have stood upon my record, and they have been splendid in their attitude toward me.

In the State-wide primary and general election I voiced my record relative to soldier legislation. There has been no effort on my part to dodge any issue in conjunction with soldiers' legislation. I wrote the minority report of 10 members of the Ways and Means Committee and opened debate for the payment of the bonus with currency issued under the Owen plan. This was a currency-expansion bill which received very severe criticism from many of my friends and all my political enemies, including the *Courier-Journal* and *Times*. When I came to Washington in November, I was asked by a *Courier-Journal* correspondent what I considered the most important legislation with which to start off the session. I replied, "Controlled expansion of currency." These unfriendly newspapers rode me for such thought. I had spent weeks listening to the money experts, and mine was a conscientious conclusion. Today currency expansion, all of which is sound money, is the hope and salvation of saving our banking institutions and the Nation. I verily believe that if the bonus bill had passed with the issuance of \$2,400,000,000 of currency under the control feature set up in the Owen amendment, it would have prevented our present condition, which all now admit comes from a shortage of currency. The controlled currency under the bonus bill might be likened to preventive medicine—like an inoculation against typhoid fever. We failed to perform the inoculation, and now the effects of the dread disease is upon us. In my humble judgment, the bonus money, leaving aside the soldiers' benefit, would have been the greatest blessing of our trying hours. If anyone cares to look up my speech on this subject, they will find that I said as much.

Last year in the consideration of the so-called "economy bill" I supported the committee on the pay cut which would have provided the greatest saving. In addition thereto I voted for the McReynolds amendment, which provided a cut of 20 percent for salaries of Members of Congress. That cut would have made the Members of Congress suffer the largest salary reduction. In addition thereto I voted for a reduction of mileage 25 percent, stationary allowance 33½ percent. Many folks do not know that Congressmen voted these cuts for the present fiscal year. Our salary cut now is 10 percent. I voted for the reorganization in the executive departments; I voted for a single department of national defense, said to effect a saving of between fifty and one hundred million dollars per year; I supported such measure in 1926, when I was serving upon the Military Affairs Committee; I have supported every carefully con-

sidered economy measure presented. I refused to see veterans' legislation rewritten in that bill without hearings and without proper consideration.

SPEECH ON VETERANS' LEGISLATION, MAY 3, 1932

With your permission, I include extracts from my remarks upon that subject at that time:

Mr. VINSON of Kentucky. Mr. Chairman, in addressing my remarks to veterans' legislation in the bill I would say that I do it without heat and without feeling toward the members of the committee who have presented this amendment. There has been a very arduous task, and I have been glad to follow them in every effort to save money for the Treasury up to this point.

There are many reasons why I cannot subscribe to their advocacy of title IX, which deals with veterans' legislation. It is an admitted fact that the consideration of this veterans' legislation was an ex-parte proceeding. The members of the committee called in the Director of the Veterans' Administration, Gen. Frank T. Hines, and what happened in their collaboration with him does not appear in any printed hearing. My information upon these points was procured from the gentleman from Arizona [Mr. Douglas]. If I wanted to be harsh, I might say that these proceedings were in the nature of star-chamber session.

Certainly veterans' legislation, or legislation of any character, ought not to be brought to the House under such circumstances. It is an American principle that a party in interest should have his day in court. The veterans did not have theirs in this proceeding. There was no opportunity to question even General Hines with reference to the meaning of certain well-chosen language affecting the veteran group.

Incidentally, I was informed that several of the most important sections under this title had been rejected by the committee in calmer moments, but being brought up near midnight in the last session of the committee, when, perhaps, they were tired and worn to a "frazzle", they were written into the bill.

The gentleman from Wisconsin [Mr. Schafer] referred to the provision of this title as being a "half-baked proposition." Mr. Chairman, that notion, in my judgment, is far from accurate. I have had several years of close scrutiny of veterans' legislation, their construction and interpretation by the Veterans' Bureau and the Veterans' Administration. And I say to you that the choice of language used in the title is that which is best calculated to put into effect the theories and the purposes of General Hines and the administration with reference to veterans' legislation. There are numbers of clauses and phrases contained in this title which have been interpreted and construed only as the Veterans' Administration and the Comptroller General can construe. The language used is legislatively technical. It has meanings all its own.

Might I remind the gentlemen and leaders of this body that World War veterans' legislation has been under construction in Congress for a period of more than 13 years. The structure has been erected under the protests and veto of gentlemen who opposed it every step of the way. Now, in one stroke, they would destroy the structure.

I am inclined to the notion that the gentlemen who have opposed disabilities that are connected with the service within the presumptive period are endeavoring to change the congressional policy in respect of such disabilities. It is well known that General Hines opposed the arrested-tubercular amendment, and anyone who has had contact with the Bureau in the administration of the tubercular act knows that there are hundreds of cases—probably running into the thousands—of veterans who have been adjudged by the Bureau to be afflicted with active tuberculosis in years gone by who now, under regulations of today, are said never to have had active tuberculosis in the meaning of the law.

I have no apology to make for my defense of the presumptive diseases. Congress recognized that it was impossible for one to know when the tubercular bacilli touched the body of the veteran. No living man could tell when the strain of the war days caused something to snap in the nervous and mental system of the veteran that made the veteran mentally unwell. The NP cases—the neuropsychiatric cases—are progressive in their development.

It would be impossible in thousands of cases, tubercular in nature, and thousands of cases with nervous systems disturbed and mentality impaired, to trace that disability to service prior to the discharge of the soldier. And yet all of us who come in contact with cases of this kind know that they are just as much war casualties as men who suffer a patent physical disability.

It is a pleasure for me to support the Bulwinkle amendment, which strikes title 9 and then substitutes the section calling for a joint committee to make investigations of the operation of the laws and regulations relating to all veterans, with a view toward determining a national policy with respect to them. I trust that this motion of the distinguished veteran from North Carolina [Mr. BULWINKLE] will prevail.

I cannot believe that this House will place their approval upon legislation such as is contained in title 9—legislation that comes with good intention upon the part of many gentlemen of this committee, but proposed legislation, nevertheless, that has not been considered in accordance with the rules and procedure of this great parliamentary body. This is permanent legislation, changing the repeated announced policy of Congress without opportunity of any veteran or any organization of veterans or any

Member of this body other than members of the special committee to inquire into the meanings of the splendidly chiseled phrases contained therein and its effect upon the disabled soldiery of the World War.

As stated in those remarks, I was supporting the Bulwinkle amendment which struck out title 9 and inserted as a substitute thereof authority for a joint committee of the House and Senate to make a complete investigation of laws and regulations relating to all veterans with a view of determining a national policy with respect to them. The amendment carried, the committee was appointed, and they have been at work at least 8 months. I understood that they were to report March 3, 1933; that they had certain recommendations for veterans' legislation, which would have produced savings of many millions of dollars, but such recommendations never came to light. Now, without such report and without any hearing whatsoever, we see the complete repeal of all veterans' legislation, with the power in the President to write the new laws and regulations for all veterans subsequent to Civil War, which, in my opinion, is a legislative function.

During the campaign I answered questionnaires in regard to veterans' cuts. The Cincinnati Enquirer asked me this question:

Will you favor investigation of the \$1,000,000,000 veterans' expenditures with a view to cutting off benefits of nonservice disability?

I answered:

I voted for an investigation of the veterans' expenditures in the last Congress. The Veterans' Administration informs me that the total disbursements for disability allowance for the past fiscal year were \$75,457,519. I do not favor the elimination of non-service-connected disabilities, because there are thousands of them who really have service-connected disabilities which are not allowed by technical regulations of the Administration.

I secured these figures relating to disability allowance for the past fiscal year from Mr. Breining, the Assistant Director, himself. It is all bunk that the disability-allowance appropriations cost \$400,000,000.

I have had extensive experience in handling veterans' claims. I feel certain, beyond question, that there are thousands of so-called "non-service-connected disabilities" which, in point of fact, are actually service-connected.

This bill as it passed the House provided that once adjudicated it was final and conclusive for all time and it could never be opened up.

The opponents of veterans' legislation have at all times maintained their loyalty toward injuries sustained as the result of service. They have made their fight against non-service-connected disabilities and hospitalization therefor. Tens of thousands of non-service-connected cases have been taken off the rolls since the new schedule of disability rating has been set up in the Veterans' Administration since about July last. These men are going off the rolls without examination because of the new percentage of disability used. However, it required the Walsh amendment no. 21, supra, to be added to the bill to meet the possibility of service-connected cases being taken from the roll, and it required Senate amendment no. 7 to permit the hospitalization of tubercular and mental cases along with other permanent disabilities, whether service-connected or not.

So, bound by hundreds and hundreds of statements, made orally and in writing, by specific pledge in answer to questionnaires in the press and on the stump during the campaign, I, under the rules of our party, was excused from supporting this measure in its presented form. I believe in keeping my word; I believe in keeping faith. I submit my neighbors as witnesses as to whether I have done so in private life. There is no less obligation so to do in public life. Bound by platform pledge, I gave public utterance both in the primary and general election that I would support the amendment submitting the repeal of the eighteenth amendment, and would support the modification of the Volstead law. Despite previous personal views, I have responded in full accord with the platform obligations. I will give such expression to every platform promise.

IT IS UNCONSTITUTIONAL, IN MY OPINION, IN THAT IT VESTS LEGISLATIVE AUTHORITY IN THE EXECUTIVE

It is a sad day in our national life when the foundation rock of our national structure is forgotten by its people, even in the hysteria of crisis. The Constitution is the anchor that holds our flag aloft, and keeps our liberties and our Government at even keel. Many people do not distinguish between statute and Constitution. In the rush and hard press of these days, I will not be one to undermine or destroy, knowingly, a single root of the national tree. The Constitution is the base roots of this towering growth. Not only should it be nurtured, but all attacks upon it should be met with courage and understanding.

It was Andrew Jackson who said:

The Congress, the Executive, and the Court must each for itself be guided by its own opinion of the Constitution. Each public officer who takes an oath to support the Constitution swears that he will support it as he understands it and not as understood by others. It is as much the duty of the House of Representatives, of the Senate, and of the President to decide upon the constitutionality of any bill or resolution which may be presented to them for passage or approval, as it is of the supreme judges when it may be brought before them for judicial decision.

It is a commonplace statement that our Government has three coordinate branches—executive, legislative, and judicial. It is unconstitutional for any branch to usurp the functions of any other branch. Our distinguished leader, Franklin D. Roosevelt, President of the United States, is in thorough accord with that statement. He does not and will not ask of the Congress of the United States any power not properly vested in the Executive of our country. He did not ask for legislative power in his message conveyed to the Congress on Friday, March 10, 1933. In part, this message reads:

The last Congress enacted legislation relating to the reorganization and elimination of executive agencies, but the economies thus to be effected are small when viewed in the light of the great deficit for the next fiscal year. They will not meet the pressing needs of our credit situation. Provision for additional saving is essential, and, therefore, I am asking Congress today for new legislation laying down broad principles for the granting of pensions and other veteran benefits and giving to the Executive the authority to prescribe the administrative details. We are unanimous in upholding the duty of the Government to care for those who suffer in its defense and for their widows and orphans.

In this message the President sought to secure "authority to prescribe the administrative details."

In addition thereto the bill conferred, in my opinion, many legislative powers.

I thoroughly realize that when one speaks of constitutional objection many listeners close their ears. But, my friends, our present national condition is due to a slow, gradual, steady increase of the surrender of legislative power to the Executive. For eight sessions of Congress I have maintained that Congress should not abdicate its power of legislation.

The setting up of bureaus and commissions with the consequent added cost to the Federal Government of hundreds of millions of dollars, is due to added Executive functions. When Mr. Hoover came into the Presidency we saw the greatest centralization of wealth in our history, and, likewise, the strongest centralization of power in the history of our Government. The economic structure toppled over and lies prostrate at our feet. I will give the man of the hour, our President, in whom I have implicit faith and confidence, the power he seeks for emergency legislation. But when it is a permanent proposition it is fundamentally necessary to consider well such measures before such legislation should be enacted.

I fully realize that the Congress of the United States, both House and Senate, is the butt of jokes and ridicule. There is little doubt in my mind but that 90 percent of our people, misinformed as to our acts and purposes, would petition in this hour the utter destruction of the legislative branch of Government. My friends, those same people, within a short period of time, would be ready to shed their blood to regain power in themselves to write the laws under which they would live.

Not a word editorially about votes for resubmission of the eighteenth amendment, beer bill, national bank bill, State bank bill, farm bill, all emergency legislation and platform pledges.

MR. BINGHAM AND THE COURIER-JOURNAL-TIMES

I do not object to criticism as to my judgment on votes, but I do resent any inference that I, by my vote, seek to wreck our new administration or that I am in the slightest degree disloyal to our leader, Franklin D. Roosevelt. I am 1,000 percent for him. I will be found at his side supporting his arm when my critics will have changed their attitude toward him. For eight sessions I have served in this House. You have honored me definitely and distinctively. Membership upon your greatest committee has been accorded me twice at the hands of my Democratic colleagues, such honor having only been obtained by five other Kentuckians in the entire period of our Government—that is, David Trimble, James B. Beck, John G. Carlisle, W. C. P. Breckinridge, and Alexander B. Montgomery. I cherish the hope that such recognition came to me because of my honest purpose and energetic effort to serve my party and my country. But never a word from the editorial pen in commendation of the slightest act saw its way to his printed page.

But criticism from Robert Worth Bingham, owner of the Courier-Journal and Times, is not criticism from a Democrat. It is criticism from an independent. Repeatedly, so there can be no doubt as to his status, he boasts that his powerful papers owe allegiance neither to the Democratic nor Republican Party. It is putting it mildly to say that he has never shown loyalty to a Democratic governor in Kentucky since he first purchased said newspaper either before or after his election. His bombardments of Democratic governors and Democratic officers have been constant and cruel. I again say that any implication or statement heretofore or hereafter made of me, by him or his papers, that I am not a whole-hearted, loyal supporter of our President, Franklin D. Roosevelt, is a malicious untruth. Senators of the United States voted and passed 44 amendments to this bill. Senators of the United States, Democrats and Republicans alike, opposed the bill in its final form and voted against its passage. No character assassination of them has appeared upon the pages of his newspapers. The fact that his name appeared before them, being nominated for the Ambassadorship to England, probably closed his mouth in attacks upon them. The character assassin with powerful weapons may continue his onslaughts, but I have no worry but that my constituents will charge my vote on Saturday, March 11, to be the conscientious expression of the attitude they knew me to have, and that I voted without the slightest degree of hostility or disloyalty to the President of the United States.

ECONOMY EFFORTS

Answering the questionnaire in the Cincinnati Enquirer in the pre-election campaign, which sought my views upon a 25 percent reduction in governmental expenditures, I said:

Yes; as a matter of fact, the past session of Congress saw a reduction of \$334,000,000 plus below the estimates submitted by the President. I led the fight for the reduction in taxes of \$243,000,000. Two hundred million was the amount finally agreed upon by the committee upon which I served, the Ways and Means Committee, which was adopted by the House and the Senate. The saving in the past session is 20 percent of the tax base President Hoover said could be cut. However, I know without question that the figures you suggest can be reached. I will gladly lend my effort in doing this job.

It was my motion before the Ways and Means Committee that saw a cut of \$200,000,000 in the tax bill last year. If the estimates of the Treasury had been substantially accurate, there would have been a saving of \$200,000,000 to the American taxpayer.

In December 1931 I was one of the three members on the Ways and Means Committee who signed a minority report against the moratorium—against the first step toward the cancellation of the European war debt. I was criticized then by the metropolitan press of my State. I made an hour's speech on the floor. I warned the Congress and the

country of the effort behind the moratorium. Congress adopted the so-called "Ragon amendment" declaring the policy of Congress would be against any reduction or cancellation of this foreign debt. My friends, that was the greatest economy measure that has ever been considered by any Congress, to assist in preventing the unloading of an \$11,000,000,000 burden from those who received the benefits to the shoulders of the heavily laden American people.

The international bankers sought in the moratorium to prefer private debts toward national debts, and it is the same banking crowd who have stood in their own light and brought our Nation to the edge of the abyss that now are supporting the National Economy League in their fight against veterans.

Please do not misunderstand me. I am willing for veterans' compensation and veterans' allowances to be cut, and as an emergency measure to be materially cut.

The Clark amendment would have cut \$206,000,000 from the pay of veterans. The employees' cut is about \$120,000,000. The Clark amendment would still leave to the non-service disabled World War veterans \$9 per month, which might relieve the direct relief money from the Federal Treasury to that extent. Taking off the rolls the so-called "nonservice cases" for the World War does not mean a saving in the amount they received. I venture the assertion that more than one half of it will be paid back to them from funds secured through the Reconstruction Finance Corporation.

CONCLUSION

I thank you for the opportunity of presenting my views. I have endeavored to do it without temper and in no wise attacking the motives of those with whom I do not agree. I believe in the God of our creation. I believe that He moves in particular manner and way "His wonders to perform." In every hour of American crisis a leader has appeared upon the scene capable of coping, with masterful hand and mind, with what seemed insurmountable obstacles. Washington, with many Valley Forges, heads the list. Andrew Jackson put into effect the teachings of Jefferson, even though the moneybags would bar his way. Democracy became a living, vital force under his courageous leadership. Lincoln, oft misunderstood yet ever human in his greatness, bore the attack of both friend and foe with a noble humility that marks his immortality. His was a sickening task—to wage the war of the brothers that our Union be preserved.

Fifty years passed, and the world is presented with another immortal leader of men. We who are close to him are not the proper ones to appraise his position in the Valhalla of the immortal. In my mind, his name will never be unheralded and unsung. He rose to the heights of masterful leadership, and the works of Woodrow Wilson affecting national and world history will ever be pointed out. The pages of history are turned, and America in chorus called for leadership. In no period of time did it need it more. Franklin D. Roosevelt answers the call. With business prostrate, and hope almost destroyed, the clarion call of his voice, "To arms!" the simple, clear-cut analysis of complex problems, his honest purpose, firm convictions, and clear-headed notions as to affirmative action has, like a magic wand, breathed hope and life into the prostrate Nation. No man in this Congress will support his efforts more in this national crisis than will I. I will follow him as far as my ideas of honorable service will permit. This great leader of men can and will ask no more of me.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 7. "On sale" licenses shall be granted only to be bona-fide restaurants, incorporated clubs, and/or hotels. "On sale" licensees may serve beverages to bona-fide guests only, to be consumed at regular public tables, or, in case of hotels, may be served in guests' rooms. It shall be the duty of the Commissioners to have frequent inspections made of premises of "on sale" licensees, and if it is found that any such licensee is violating any of the provisions of this act or the regulations of the Commissioners promulgated hereunder or is failing to observe in good faith the purposes of the act, such license may be revoked after the licensee is given an opportunity to be heard in his defense.

With the following committee amendments:

Page 5, line 10, beginning with the word "to", strike out down to the word "public", in line 11, and insert in lieu thereof the following: "to be consumed at."

The amendment was agreed to.

The Clerk read as follows:

Page 5, line 12, after the word "served", insert the word "also."

The amendment was agreed to.

The Clerk read as follows:

Page 5, line 14, strike out the words "on sale."

The amendment was agreed to.

Mr. O'CONNOR. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. O'CONNOR: Page 5, line 9, after the word "clubs", insert "with annual dues of at least \$15, payable in one sum or in installments of at least \$15."

Mr. O'CONNOR. Mr. Chairman, I hope the attitude of the House is not to vote down amendments without consideration, just because Members are in a hurry to get away. I am in a hurry to get away. I offer this amendment seriously. It provides for the sale in "incorporated clubs." What I do not want to see is the springing up all over the District of these clubs where you go through the slot-pierced door and pay a nominal fee of 25 cents or 50 cents, or even \$1 per membership in a club, and get all the beer you want and maybe something else. I had offered here the same provision that we had in what was known as the O'Connor-Hull beer bill, in respect to incorporated clubs, where the annual dues shall be at least \$15, paid in one sum, or where, if the dues are more than that, they shall be paid in installments of at least \$15 each, so that, if anybody wants to go through the mechanics of forming one of these "phony" clubs, he would have to get at least \$15 annually from everyone who wanted to join. That will stop these "speak-easy clubs."

Mr. CELLER. I sympathize with the gentleman's purpose, but does he not think if we load this bill down with amendments of that character we might do something which is tantamount to saying to the Supreme Court that beer is intoxicating?

Mr. O'CONNOR. Oh, we insist on clubs getting licenses that have nothing to do with selling liquor. That is no admission at all.

Mr. PALMISANO. Mr. Chairman, I hope the Members will vote against this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. O'CONNOR].

The question was taken; and on a division (demanded by Mr. PALMISANO) there were ayes 79 and noes 49.

So the amendment was agreed to.

Mr. SMITH of Virginia. Mr. Chairman, I offer a further amendment.

The Clerk read as follows:

Amendment offered by Mr. SMITH of Virginia: On page 5, line 17, after the comma following the word "act", insert the following: "or is permitting such place to be used for unlawful, disorderly, or immoral purposes."

Mr. BLACK. Mr. Chairman, the committee accepts the amendment.

The amendment was agreed to.

Mr. McLEOD. Mr. Chairman, I offer an amendment, which is at the desk.

The Clerk read as follows:

Amendment offered by Mr. McLEOD: On page 5, line 11, after the word "tables", insert the following: "or on trays at automobiles of patrons parked at bona fide restaurants where parking facilities on the premises are provided."

Mr. McLEOD. Mr. Chairman, I just want to make a brief statement. This bill is not only a bill to legalize beer but it is a revenue-raising measure. It is contended there are something over 15,000 people per day who lunch at these lots where they serve barbecue lunches. It has therefore been requested of me to offer this as an amendment. It is

said that several thousand dollars per month will be added to the revenue of the District of Columbia by the enactment of this amendment.

Mr. BLACK. Mr. Chairman, I rise in opposition to the amendment. This is a dangerous proposition as far as the ultimate goal of repeal is concerned. It provides that cars parked at licensed premises may be served with beer on trays attached to their cars. The committee has no real objection to the case of barbecue stands where they have parking space on the premises, but we do object to serving along the curbs of the city of Washington, because we know what the "drys" can do with a situation like that, and for the sake of a few people who want to make a few more dollars by serving at the curb, the "wets" of the House ought to be against this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. McLeod].

The amendment was rejected.

Mr. CELLER. Mr. Chairman, I offer an amendment, which I have sent to the desk.

The Clerk read as follows:

Amendment offered by Mr. CELLER: On page 5, line 8, after the abbreviation and figure "Sec. 7," strike out the remainder of line 8, all of lines 9, 10, and 11, and up to and including the word "rooms" in line 12.

Mr. CELLER. Mr. Chairman, I offer this amendment so that I may ask a question of a member of the committee as to why they limited the sale of the nonintoxicating beverage to places like restaurants, clubs, or hotels, presumably with meals only?

Mr. BLACK. That is in conformity with the general thesis of the "on-sale" and "off-sale" licenss. That is all. The wets have promised that they would not tolerate the saloon. We are trying to find a way to stop it. I will admit it is hard.

Mr. CELLER. Suppose somebody goes into a drug store where this beverage might be sold.

Mr. BLACK. The drug store has the option of election. It can take an "on-sale" or an "off-sale" license, but it cannot have both.

Mr. CELLER. In other words, a place like a drug store would not be deemed a restaurant?

Mr. BLACK. No.

Mr. CELLER. Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. GOSS. Mr. Chairman, I move to strike out the last word to call the attention of the House to the wording of lines 12 to 19, inclusive. As I read that language it shall be the duty of the commissioners to make frequent inspections on the premises, and so forth; and then if he has failed to observe in good faith the purposes of the act, such license may be revoked, after the licensee is given an opportunity to be heard in his defense.

I want to submit to the House that under the language of this section, if the commissioners wanted to be arbitrary, they could revoke a man's license without any further hearing whatsoever. All he would have to do would be to make his defense and every license could be revoked in the District of Columbia if we had commissioners who were arbitrary.

I wanted to ask the gentleman if it is not the intention to really give these licensees fair treatment and give them a fair hearing before the proper officers of the court or otherwise, and not be subject to arbitrary commissioners.

Mr. O'CONNOR. Will the gentleman yield?

Mr. GOSS. I yield.

Mr. O'CONNOR. If the words "for good cause" were added, does the gentleman think that would cure his objection?

Mr. GOSS. Yes.

Mr. BLACK. The committee will be glad to accept that amendment.

Mr. GOSS. Mr. Chairman, I offer that amendment, then, in line 18, after the word "revoke," to insert the words "for good and sufficient cause."

The Clerk read as follows:

Amendment offered by Mr. Goss: On page 5, in line 18, after the word "revoke," insert "for good and sufficient cause."

Mr. BLANTON. To be determined by whom?

Mr. GOSS. By the commissioners or the court.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Connecticut.

The amendment was agreed to.

The Clerk read as follows:

Sec. 8. There shall be levied and collected from each licensee by the District of Columbia on all beverages sold with said District as authorized by this act a tax of \$1.20 for every barrel containing not more than 31 gallons, and a like rate for any other quantity or fractional part. Said tax shall be paid on or before the 15th day of each month for beverages sold to or purchased by the licensee during the preceding calendar month.

With the following committee amendments:

Page 5, line 22, strike out the word "with" and insert in lieu thereof the word "within."

Page 5, line 23, strike out "\$1.20" and insert in lieu thereof "\$1."

Page 6, line 1, strike out the words "to or purchased."

The committee amendments were agreed to.

The Clerk read as follows:

Sec. 9. No person, firm, association, or corporation shall sell or offer for sale by retail within the District of Columbia any beverage without having first obtained a license so to do. No brewer, wholesaler, or distributor shall sell or deliver any beverage within the District of Columbia to any person other than a licensee.

Mr. BLANTON. Mr. Chairman, may I ask the gentleman from New Jersey if she intends to offer an amendment at this point?

Mrs. NORTON. No. I intend to offer my amendment at the proper time. I explained to the gentleman that it was my intention to offer this amendment.

Mr. BLANTON. I offer an amendment to section 9.

Mrs. NORTON. I may say to the gentleman from Texas that the amendment I spoke of refers to page 8, line 10.

Mr. BLANTON. Mr. Chairman, I offer this amendment at this point. I think this is a proper place.

The Clerk read as follows:

Amendment offered by Mr. BLANTON: Page 6, line 6, after the word "do," add the following: "It shall be unlawful to give or sell any of the above beverages to persons under 18 years of age. Any person violating this provision shall be guilty of a misdemeanor and upon conviction therefor shall be subject to a fine not exceeding \$100 or be imprisoned not to exceed 6 months, or both such fine and imprisonment."

Mr. CELLER. A point of order, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. CELLER. The amendment of the gentleman from Texas is not in order in that it is not germane to section 9. Section 9 refers primarily to licenses to be given to those within the District of Columbia and licenses to be given to those outside the District of Columbia bringing the beverage into the District.

The amendment is not germane to this particular section. It may be germane to the bill at some other point, but certainly not at this point.

Mr. BLANTON. This refers to the very subject matter of the section.

The CHAIRMAN. The Chair is prepared to rule. This particular section authorizes licenses to retailers and to dealers. The amendment offers a restriction and is clearly in order. The Chair overrules the point of order.

Mr. BLANTON. Mr. Chairman, all this amendment does is to raise the age limit of the Borah amendment from 16 years to 18 years. This is the Borah amendment rewritten with the age limit raised to 18 years. I understood from our good friend the gentlewoman from New Jersey that she was willing to raise the age limit to 18 years. This is the proper point in the bill to offer this amendment. It is not germane anywhere else. I sought to have her introduce it. I would

rather have her introduce it; and if she will, I shall go along with her. I would rather for her to introduce it, if she will.

Mrs. NORTON. The gentleman is very kind, but I have never sought to introduce anything in this House because of any foolish pride of authorship. I told the gentleman I would introduce an amendment at the proper time. However, I am perfectly willing that the gentleman, since he is so anxious to introduce this amendment, should have the honor of so doing.

Mr. BLANTON. All I am concerned about is to have this amendment adopted.

Mr. PALMISANO. I suggest to the lady that she take half of it, the half dealing with minors, and give the gentleman from Texas the other half.

Mr. BLANTON. I insist on a provision put in this bill to prevent sales being made to minors under 18 years of age.

Mrs. NORTON. I may say to the gentleman from Texas that I hope I am a good sport and, therefore, shall give him the whole thing.

Mr. BLANTON. I shall not discuss this amendment. All of you know what it means. It is just a question of whether you are willing to sell beer to children or not.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas.

Mrs. NORTON. Mr. Chairman, may we have the amendment again reported?

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

There was no objection.

The Clerk again read the amendment.

Mr. CELLER. Mr. Chairman, may I be informed whether the words are "give or sell"?

Mr. BLANTON. Yes; "give or sell."

Mr. PALMISANO. Mr. Chairman, I offer an amendment to the amendment offered by the gentleman from Texas.

The Clerk read as follows:

Amendment offered by Mr. PALMISANO to the amendment offered by Mr. BLANTON: In the third line of the amendment, strike out the words "give or."

Mr. PALMISANO. Mr. Chairman, without these words stricken from the amendment, it would be a violation of the law for a father to give his son or daughter a glass of beer in his home, in a restaurant, or a hotel.

The CHAIRMAN. The question is on the amendment of the gentleman from Maryland to the amendment offered by the gentleman from Texas [Mr. BLANTON].

The amendment to the amendment was agreed to.

Mr. LEHLBACH. Mr. Chairman, I offer an amendment to the amendment of the gentleman from Texas.

The Clerk read as follows:

Amendment offered by Mr. LEHLBACH to the amendment offered by Mr. BLANTON: In the third line of the amendment, after the word "sell", insert "at any licensed place", so that the amendment will read: "It shall be unlawful to sell at any licensed place any of the above beverages."

Mr. BLANTON. I have no objection to the amendment, Mr. Chairman.

The amendment to the Blanton amendment was agreed to.

Mr. SMITH of Virginia. Mr. Chairman, I offer a substitute for the pending amendment.

The Clerk read as follows:

Amendment offered by Mr. SMITH of Virginia as a substitute for the amendment offered by Mr. BLANTON: "It shall be unlawful for any licensee to sell or serve any of the beverages permitted to be licensed under this act to any minor under 18 years of age or to permit the same to be so sold or served on his premises."

Mr. BLANTON. Mr. Chairman, I call the attention of my friend to the fact that he has provided no penalty in his amendment.

Mr. SMITH of Virginia. There is a penalty clause in the bill which provides that any violation of this law shall be punished by a heavier penalty than the gentleman has provided in his amendment.

Mr. BLANTON. Mr. Chairman, I have no objection to the substitute, and I am willing to accept it.

The question was taken; and on a division (demanded by Mr. SMITH of Virginia) there were—ayes 37, noes 76.

So the substitute amendment was rejected.

Mr. WADSWORTH. Mr. Chairman, may I call the attention of the gentleman in charge of the bill to lines 6, 7, and 8, on page 6, which read—

No brewer, wholesaler, or distributor shall sell or deliver any beverage within the District of Columbia to any person other than a licensee.

The effect of this language would be to prohibit a resident of the District of Columbia sending outside this jurisdiction to have a case of beer delivered to his residence, he not being a licensee, and I was going to offer an amendment which I think would cure this.

Mr. BLACK. The committee had in mind not curing it. The committee had this thought in mind. We wanted to spread the blessings of the prosperity caused by this bill to as many as possible, and we thought that if the wholesaler could come in direct contact with the consumer through the mails or in other ways, some other people would not get the benefit of this legislation. We want the consumer to go to his store and buy this beer if he wants to drink it at home or go to his store and drink it at the store if he does not want to consume it at home; but we do not want the brewer to be delivering it direct to the homes.

I may say to the gentleman that there is a division of sentiment on this question, and only this morning I was asked to offer an amendment to permit delivery from the wholesaler to the consumer, and I said I could not agree to do it and that I did not have the advice of the committee on the question.

Mr. WADSWORTH. I doubt the advisability of putting restrictions on the consumers. It seems to me we are going pretty far when we say a man shall not purchase a legal article except in a certain way for consumption in his own home.

Mr. BLACK. In view of the patient toleration of the consumer in the last 12 years I rather think the consumer will not object very keenly if all he has to do is walk around the corner to order this beer.

Mr. WADSWORTH. I was hopeful the consumer would have the long end of this.

Mr. BLACK. I am sure we all realize the economics of the situation of this liberal movement. We want the economics to provide for a distribution of the profits, so far as possible, and we do not want any concentration of the profits as a result of this liberal movement in the hands of the brewers.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. BLANTON], as amended.

The question was taken; and on a division (demanded by Mr. BLANTON) there were—ayes 77, noes 78.

Mr. BLANTON. Mr. Chairman, I ask for tellers.

Mrs. NORTON. Mr. Chairman, there seems to be a lot of confusion in the minds of a great many Members as to just what they are voting on. May we have the amendment read?

Mr. BLANTON. It is the amendment that the chairman accepted.

The CHAIRMAN. Without objection, the Clerk will again report the amendment, as amended.

The Clerk again read the Blanton amendment as amended.

Mr. BLANTON. Mr. Chairman, I should like permission to propound an inquiry of the gentlewoman from New Jersey. We should like to know whether or not the amendment meets with the approval of the committee.

Mrs. NORTON. I may say to the gentleman that I had a very similar amendment which met with the approval of the committee. We did not consider the amendment offered by the gentleman from Texas [Mr. BLANTON]. My amendment was considered by the committee and accepted, and I intended to offer it when we came to the appropriate place in the bill.

Mr. BANKHEAD. Does the committee oppose the amendment of the gentleman from Texas at this stage?

Mrs. NORTON. I would say not. It is my personal desire, and I believe the desire of the committee, to pass as good a bill as humanly possible. So far as I am concerned, pride of authorship of this amendment I would consider a petty consideration, and since the gentleman from Texas is evidently anxious to offer the amendment I shall withhold mine and accept his.

The CHAIRMAN. In view of the confusion, the Chair will again take the vote on the division demanded by the gentleman from Texas [Mr. BLANTON].

The question was taken; and there were—ayes 115, noes 78.

So the amendment was agreed to.

Mr. WADSWORTH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WADSWORTH: Page 6, line 7, after the word "deliver," insert the words "for resale."

Mr. WADSWORTH. As I endeavored to indicate a little while ago, the purpose of my amendment is to permit a resident of the District of Columbia to purchase from an agency, other than an agency in the District of Columbia, a licensee. He may purchase under my amendment from a brewery outside the District, and have a case of beer sent to his house. I do not believe it quite fair to compel the consumer of these beverages to secure their supply solely from a licensee within the District.

Mr. BLACK. Mr. Chairman, the difficulty with the gentleman's amendment is that it does not fit into the rest of the bill. We have provided for licenses within the District of Columbia. Here are brewers outside the District of Columbia allowed to ship beer to the consumer here. We are legislating for the District of Columbia, and it does not do the District any good, and it does not add to the revenue of the District. It does not add to the control that the District authorities will have over the licensing and sale of beer. I do not think we should accept the amendment.

Mr. PALMISANO. Mr. Chairman, I offer a substitute.

The Clerk read as follows:

Page 6, line 8, strike out the period and insert in lieu thereof a comma and the following, "except under the off-sale license procured under this act."

Mr. PALMISANO. This was an amendment, Mr. Chairman, prepared, but was not offered at the time until the gentleman from New York called attention to it, and it seemed to the Members that the brewers ought to be able to furnish the residents of the District at their homes with bottled beer. Under this amendment it will be necessary for the brewer to obtain a license, and he will be compelled to pay a dollar a barrel extra for selling beer to the consumer. I trust that the substitute will be adopted, which will give more revenue and at the same time will not have the disadvantages of the amendment of the gentleman from New York.

The CHAIRMAN. The question is on the substitute offered by the gentleman from Maryland for the amendment of the gentleman from New York.

The question was taken, and the substitute was rejected.

The CHAIRMAN. The question now is on the amendment of the gentleman from New York.

The question was taken; and on a division (demanded by Mr. BLACK) there were 63 ayes and 79 noes.

So the amendment was rejected.

Mr. GOSS. Mr. Chairman, I move to strike out the last word for the purpose of clearing up the meaning of the words "any beverage" in line 5 of page 6. Does that mean any beverage defined by this bill or any other beverage?

Mr. BLACK. It means any beverage defined by this bill.

Mr. CELLER. Mr. Chairman, I rise in opposition to the pro forma amendment. I shall ask for a separate vote upon the Blanton amendment upon the final passage of this bill for this reason: Putting that amendment in this bill is merely inserting a danger flag to the Supreme Court, because if this beverage is harmless and it is innocent, why preclude the sale of it to minors? I say to the gentlemen who are sympathetically inclined to this bill that that amendment should

not be in this bill, and I venture the assertion that the fact that it is included in the bill will give the Supreme Court an opportunity to declare this particular bill in violation of the eighteenth amendment, as embracing intoxicating liquor.

The pro-forma amendment was withdrawn, and the Clerk read as follows:

SEC. 12. No brewer, manufacturer, wholesaler, or distributor shall have any direct or indirect financial interest in the business of any licensee.

Mr. WATSON. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. WATSON: Page 6, line 23, after the word "indirect," insert the word "controlling."

Mr. BLACK. Mr. Chairman, we have just had an instance of the amendment offered by the gentleman from New York [Mr. WADSWORTH] as to what may happen if the liberals of this House are not on guard. I have been fighting in the well of this House since I have been here to liberalize these laws. In the past 2 or 3 years other people have come along and have taken hold in the fight, but Major LaGuardia and I stood here day in and day out fighting for a liberalizing of these laws, and I do not intend that that fight shall now be resolved into a fight for the brewers. The brewers want to hog the whole situation by these suggested amendments. One of the things that brought about prohibition was the heavy hand of the brewer on the retailer, and we have to see to it that they are not allowed to resume their oppressive control over the retailer. We have to keep the brewers' hands off the retailers as far as possible. This is a very dangerous amendment which the gentleman from Pennsylvania is offering, and I ask all men who are interested in this question, purely from the liberal philosophy presented by the situation, to vote it down, and to vote down each and every attempt that comes from the liquor interests to control this situation.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania.

The amendment was rejected.

The Clerk read as follows:

SEC. 14. The Commissioners of the District of Columbia are hereby authorized to promulgate rules and regulations, not inconsistent with law, for the issuance of licenses, and for the operation of all businesses by licensees. Said regulations may be modified from time to time as the commissioners may deem desirable.

With the following committee amendment:

Page 7, line 11, after the word "licensees", insert "in respect to the sale of beverages under this act."

The committee amendment was agreed to.

Mr. SMITH of Virginia. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. SMITH of Virginia: Page 7, line 10, after the word "issuance", insert the words "and revocation."

The amendment was rejected.

The Clerk read as follows:

SEC. 15. Any person who shall violate any of the provisions of this act shall, upon conviction by a court of competent jurisdiction, be punished by a fine not exceeding \$1,000 or imprisonment in jail for one year, or both fine and imprisonment, in the discretion of the court, and in case of a licensee his license shall be revoked for a period of 1 year. If any licensee shall willfully violate the regulations duly issued and promulgated by the Commissioners of the District of Columbia, the commissioners may, after proper hearing, revoke the license for the period of 1 year. In case any licensee is convicted of the violation of the terms of this act the court shall immediately declare his license revoked and notify the commissioners accordingly. Any licensee who shall sell or permit the sale of any alcoholic beverages not authorized under the terms of this act on his premises or in connection with his business or otherwise shall, upon conviction, forfeit his license and shall in addition thereto be fined \$1,000 or imprisoned for 1 year, or both fine and imprisonment, in the discretion of the court.

With the following committee amendment:

Page 8, line 4, after the word "act," insert the words "or otherwise permitted by law."

The committee amendment was agreed to.

The Clerk read as follows:

Committee amendment: Page 7, line 21, after the word "violate," insert the following "the provisions of this act or."

The amendment was agreed to.

Mr. O'CONNOR. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment by Mr. O'CONNOR: Page 7, line 20, after the word "revoked," strike out the rest of the sentence and insert "and no license shall thereafter be granted to such person, and no license shall be granted for a period of six months to any person to make or sell beverages on the premises where such violation occurred."

Mr. O'CONNOR. Mr. Chairman, as the bill is drawn, if there is a violation of the provisions of the bill, the license is revoked for only one year. My amendment revokes the license forever. If anybody is not satisfied with selling this beer in compliance with the law and violates the law, my amendment revokes the license for all time; and it does something also which we have contended for for years, having the license run to the place. If there is a violation of the law, the amendment provides that no license shall be issued to that place for six months.

If we are going to preserve the progress we have made in the repeal of the eighteenth amendment we must see that the conduct of this business is strictly carried out.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. O'CONNOR].

The amendment was agreed to.

Mr. WHITLEY. Mr. Chairman, I offer an amendment, which is at the desk.

The Clerk read as follows:

Amendment offered by Mr. WHITLEY: Page 8, line 4, after the word "act," strike out "or" and insert "and," and insert the word "unless"; page 8, line 4, after the word "act," strike out the word "or" and insert "unless."

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. WHITLEY].

The amendment was agreed to.

Mrs. NORTON. Mr. Chairman, I offer an amendment, which has been sent to the desk.

The Clerk read as follows:

Amendment offered by Mrs. NORTON: Page 7, line 18, after the word "or," insert the words "not exceeding."

The CHAIRMAN. The question is on the amendment offered by the lady from New Jersey.

The amendment was agreed to.

Mr. BROWN of Kentucky. Mr. Chairman, I move that on page 8, line 9, we strike out the word "court," the last word of the paragraph.

It must be apparent that I do not care anything about that word, and you do not. The purpose for wanting some time on this occasion is to call attention to page 3, line 18. I wish you would turn back to that page, and at the end of my remarks I have a request that I want to make of you as Members of this House.

Line 18 on page 3 reads as follows:

Such applicant has never been convicted of a felony.

And, as one Member of Congress, I do not want to go on record as saying to the people of this country that whenever any individual has paid the full penalty of the law I want to preclude that individual from the privilege of making an honest living. You will be saying that nevermore can any individual take part in this occupation if he has been convicted of a felony, it does not make any difference what it is. I want my protest to go in this RECORD as against that particular section of the bill. I am going to ask you at the end of my remarks to grant me unanimous consent to offer an amendment to strike out that particular language and insert in lieu thereof "is a person of good moral character." There is not one thing in this bill about good moral character, except that the applicant has never been convicted of a felony. There are crooks in this country who have not been convicted of a felony, and that is all right.

Mr. WEIDEMAN. Will the gentleman yield?

Mr. BROWN of Kentucky. I yield.

Mr. WEIDEMAN. Has the gentleman read line 23 on page 2?

Mr. BROWN of Kentucky. Yes; but I want those words "never convicted of a felony" stricken out of this bill. The other day we voted here to seat a Member of this House who has been convicted of a felony. I was for it. He can be a Member of the United States Congress, but he can not shove a glass of beer across the counter.

Mr. O'CONNOR. Will the gentleman yield?

Mr. BROWN of Kentucky. Yes.

Mr. O'CONNOR. I do not know whether the gentleman was here this morning—

Mr. BROWN of Kentucky. I have been here all day.

Mr. O'CONNOR. We discussed this for 45 minutes.

Mr. BROWN of Kentucky. I grant you, and I voted for the committee amendment, the part that is stricken out, and I was for that, but, being a new Member of the House, I intended to offer this amendment, but I did not discover the proper place to offer it until it was too late. I have no way of getting it in except by this means.

Mr. WEIDEMAN. Line 23 reads that before a license is issued the commissioners shall satisfy themselves of the moral character and financial responsibility.

Mr. BROWN of Kentucky. I am not arguing that particular part.

Mr. WEIDEMAN. But that answers the question the gentleman asked before.

Mr. BROWN of Kentucky. I do not want that part to remain in the bill, which provides that a man can be the governor of a State or a Member of the Congress but he can not shove a glass of beer across the counter. I would like to have an opportunity to offer that amendment. I ask unanimous consent, Mr. Chairman, to return to that portion of the bill and to offer an amendment to strike out that portion of it.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky [Mr. BROWN]?

Mrs. NORTON. Mr. Chairman, I object.

Mr. O'CONNOR. Mr. Chairman, I offer an amendment, which is at the desk.

The Clerk read as follows:

Amendment offered by Mr. O'CONNOR: Page 8, line 9, after the period, insert "The commissioners shall revoke the license of any person who knowingly employs in the sale or distribution of such beverages any person who has been convicted of a felony."

Mr. O'CONNOR. Mr. Chairman, I did not know the gentleman from Kentucky [Mr. BROWN] was going to raise this question while my amendment was at the desk. There is a provision in this bill that no license shall be issued to a man who has been convicted of a felony. The amendment I have offered prevents the racketeer getting back into this business. It provides that the license shall be revoked if on the premises where this beverage is sold, a felon is employed knowingly.

We had it in the beer bill. We do not want racketeers hanging around these places as bartenders or employees.

Mr. BOILEAU. Does the gentleman want to preclude from an honest job just because he once was convicted of a felony a man who has lived a good moral life 10 or 15 years since his punishment?

Mr. O'CONNOR. No; I do not take that position, as a lawyer, and no one more than myself has defended their right to employment, but there are plenty of other occupations. Restrictions are thrown around the conduct of this business. Such people should be engaged in some other business rather than this one which may invite them to return to the days of old and corrupt the young or the decent people of America. If a felon can not secure a license, he should not be employed on the premises where this liquor is sold.

Mr. RAGON. Mr. Chairman, will the gentleman yield?

Mr. O'CONNOR. I yield.

Mr. RAGON. I was not present during the early part of the discussion on this bill. Has there been an amendment offered striking this out?

Mr. O'CONNOR. No. Everybody agreed a felon should not receive a license.

Mr. RAGON. I am rather disposed to believe the gentleman from Kentucky [Mr. Brown] is correct in his statement.

Mr. O'CONNOR. Theoretically, yes; but the class of people he refers to should not be in this particular business.

Mr. RAGON. If it were desired to prohibit a license to a man convicted of the felony of illicit sale of liquor, that is all right, but it does not occur to me as being right to base it indiscriminately upon any kind of a felony.

Mr. O'CONNOR. It covers all felonies.

The CHAIRMAN. The question is on the amendment.

The amendment was agreed to.

Mrs. NORTON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. NORTON: Page 8, line 8, after the word "for," insert the words "not exceeding."

The amendment was agreed to.

The Clerk read as follows:

Sec. 16. The act of Congress approved March 3, 1917, entitled "An act to prohibit the manufacture and sale of alcoholic liquors in the District of Columbia, and for other purposes," with the exception of sections 11 and 20 thereof, is hereby repealed.

Mr. PALMISANO. Mr. Chairman, I offer a committee amendment.

The Clerk read as follows:

Committee amendment offered by Mr. PALMISANO: Page 8, strike out lines 10 to 14, both inclusive, and insert in lieu thereof the following:

"Sec. 16. The act of Congress approved March 3, 1917, entitled 'An act to prohibit the manufacture and sale of alcoholic liquors in the District of Columbia, and for other purposes,' with the exception of sections 11 and 20 thereof, is hereby repealed: *Provided, however,* That the term 'alcoholic liquor' used in such section 11 of such act shall not be construed to include beverages authorized by this act to be brewed, manufactured, and sold."

Mr. GOSS. A point of order, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. GOSS. I make the point of order that the amendment is not germane to this particular section, because this section simply repeals certain sections of the act of March 3, 1917, with two exceptions, and the gentleman's amendment goes far beyond that.

I would again call attention to the precedents holding that just because two subjects are related they are not necessarily germane.

Mr. PALMISANO. Mr. Chairman, the gentleman from Connecticut does not realize the effect of the amendment. Section 11 of the Sheppard Act seems to prohibit the very thing sought to be done by this bill, which is to permit drinking in public or in a public place.

Mr. GOSS. Mr. Chairman, I will reserve my point of order, instead of making it at this time.

Mr. PALMISANO. If section 11 is permitted to remain without this amendment, the sale of liquor will then be prohibited. This amendment makes an exception of the beverages mentioned in this bill.

Mr. GOSS. I did not understand the situation, Mr. Chairman. I withdraw the point of order.

Mr. BLANTON. Mr. Chairman, I reserve a point of order; in fact, Mr. Chairman, I make a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. BLANTON. Mr. Chairman, I make the point of order that the proviso and the amendment are not germane to the bill or any part of it because the public act sought to be repealed is an act relating not to nonintoxicating liquor but to whisky, champagne, and wine of maximum alcoholic percentages and all kinds of intoxicating liquors, and it has no place in this bill, and certainly is not germane to it.

The CHAIRMAN. The Chair is ready to rule. The amendment follows the identical language of the bill down to the proviso. The proviso simply states that section 11 of the act of March 3, 1917, shall not be construed to conflict in any way with the pending bill.

The Chair is of the opinion that the amendment is clearly germane and overrules the point of order.

The question is on the committee amendment offered by the gentleman from Maryland.

The committee amendment was agreed to.

Mr. SMITH of Virginia. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SMITH of Virginia: Page 8, line 10, strike out the paragraph and in lieu thereof insert the following—

The CHAIRMAN. The Chair may state that the committee amendment having been adopted as a complete substitute for the paragraph, no further amendment to the committee amendment would be in order.

Mr. SMITH of Virginia. Mr. Chairman, I offer an amendment to the committee amendment as offered, striking out the paragraph and substituting other language.

The CHAIRMAN. An amendment has already been adopted striking out the section.

The Clerk read as follows:

Committee amendment: Page 8, line 15, insert the following: "Sec. 17. This act shall take effect 15 days after its enactment."

Mr. PALMISANO. Mr. Chairman, I offer an amendment to the committee amendment.

The Clerk read as follows:

Page 8, line 15, strike out all after the word "effect" and insert in lieu thereof the following: "April 7, 1933."

The amendment to the committee amendment was agreed to.

The committee amendment, as amended, was agreed to.

The CHAIRMAN. There being no further amendments, under the rule, the committee rises.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. JONES, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (H.R. 3342) to provide revenue for the District of Columbia by the taxation of beverages, and for other purposes, pursuant to House Resolution 71, he reported the same back to the House with sundry amendments adopted by the Committee of the Whole House on the state of the Union.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment?

Mr. CELLER. Mr. Speaker, I demand a separate vote on the Blanton amendment to section 9, dealing with sale to minors.

The SPEAKER. Is a separate vote demanded on any other amendment? If not, the Chair will put them en bloc.

The amendments were agreed to.

The SPEAKER. The Clerk will report the Blanton amendment.

The Clerk read as follows:

Amendment offered by Mr. BANTON: Page 6, line 6, after the word "do," add the following: "It shall be unlawful to sell at any licensed place any of the above beverages to persons under 18 years of age. Any person violating this provision shall be guilty of a misdemeanor and upon conviction thereof shall be subject to a fine not exceeding \$100 or be imprisoned not to exceed six months, or to both such fine and imprisonment."

The question was taken; and on a division (demanded by Mr. CELLER) there were—ayes 141, noes 51.

Mr. CELLER. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were refused.

So the amendment was agreed to.

The bill was ordered to be engrossed, read a third time, and was read the third time.

Mr. STALKER. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. The gentleman is a member of the committee and opposed to the bill?

Mr. STALKER. I am.

The Clerk read as follows:

Mr. STALKER moves to recommit to the Committee on the District of Columbia with instructions to report the same back forthwith with the following amendment: Page 3, line 19, after the

comma, insert the following: "or been adjudged guilty of violating the laws governing the sale of intoxicating liquors or for the prevention of gambling in the District of Columbia."

Mrs. NORTON. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The question was taken; and on a division (demanded by Mr. BLANTON) there were—ayes 19, noes 135.

So the motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and on a division (demanded by Mr. BLANTON) there were—ayes 180, noes 53.

So the bill was passed.

On motion of Mr. PALMISANO, a motion to reconsider the vote by which the bill was passed was laid on the table.

ELECTION TO COMMITTEE

Mr. SNELL. Mr. Speaker, I offer the following resolution, to elect a member of a committee.

The Clerk read as follows:

House Resolution 73

Resolved, That ROBERT F. RICH, of Pennsylvania, be, and he is hereby, elected a member of the Committee on Printing of the House of Representatives.

The resolution was agreed to.

THE STATE BANKING BILL

Mr. BYRNS. Mr. Speaker, I was told in the Senate about 4 o'clock that they would conclude the consideration of some amendments to the banking bill relating to State banks, which the House passed the other day and sent to the Senate. I am very sure that my informant was perfectly sincere in his statement, but, of course, I know something about the uncertainty of Senate debate.

But in view of his statement that the Senate would act by 5 o'clock, and his expectation that it would be messaged over at once, the chairman of the Banking and Currency Committee is very anxious that a recess be taken for a reasonable time in order that that bill may be sent over to the House and that the House may have an opportunity to concur in the Senate amendments, which he states are entirely noncontroversial.

I am also told that it is the intention of the Senate to adjourn until Monday, and I think it is also the intention of the House to take similar action.

The chairman of the Banking and Currency Committee thinks that if we could agree to these amendments and get the bill ready for passage it would be worth something in its effect over the country.

I have agreed, therefore, to ask that the House stand in recess until such time as the Speaker may call us back in session, not later than 5.30.

Mr. BANKHEAD. Will the gentleman yield?

Mr. BYRNS. I yield.

Mr. BANKHEAD. As I understand, the justification for this request is based on the supreme importance of the passage of the bill, with reference to the fact that a great number of State banks that have been suspended, and he is asking for a recess until the Senate can act.

Mr. BYRNS. The gentleman has correctly stated it. If the bill is passed and ready for signature by the presiding officers of the two bodies, it will be an assurance to the State banks and the people generally that it will become a law. It has been suggested that the recess be taken subject to the call of the Speaker, and that call not to be later than 6 o'clock.

Mr. SNELL. Has the gentleman from Tennessee asked unanimous consent that when the House adjourns tonight it adjourn until Monday?

Mr. BYRNS. I have not, but I will as soon as we reconvene.

Mr. BLANTON. Will not the gentleman make it now, so that Members may know whether they are going to adjourn until Monday or not?

ADJOURNMENT OVER

Mr. BYRNS. I am willing to do that. Mr. Speaker, I ask unanimous consent that when the House adjourns tonight it adjourn to meet on Monday next.

Mr. LUCE. Reserving the right to object, I want to ask the gentleman from Tennessee if the Senate does not complete action so that we can pass on it, that means that no action can be had until Monday.

Mr. BYRNS. Yes; I am informed that the Senate will take a recess until Monday.

Mr. LUCE. In view of the importance of the matter, I am wondering if it is prudent for the gentleman to limit the recess to 6 o'clock.

Mr. BYRNS. We can meet here at 6 o'clock, and if necessary, we can continue the recess until a later hour.

Mr. SNELL. Has the gentleman been informed that the Senate will remain in session until after the House reports this measure back to them? If we are going to wait here, we ought to be assured that they will stay in session so that it will be closed up tonight, if it is important.

Mr. BYRNS. I had in mind communicating with the majority leader of the Senate stating to him that we were in session and ask that such be done, if it is possible.

Mr. SNELL. The other day we remained in session until late in the evening and the Senate adjourned and went home.

Mr. BYRNS. And I am informed that that is their intention this evening.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee that when the House adjourns this evening it adjourn to meet on Monday next?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. HAMILTON, for the rest of the week, on account of important business.

To Mr. HIGGINS, indefinitely, on account of illness in family.

To Mr. RICH (by request of Mr. DARROW), indefinitely, on account of illness.

RECESS

Mr. BYRNS. Mr. Speaker, I ask unanimous consent that the House stand in recess at the call of the Speaker.

The SPEAKER. Is there objection?

There was no objection.

Accordingly, at 4 o'clock and 48 minutes p. m., the House stood in recess, subject to the call of the Speaker.

AFTER THE RECESS

The recess having expired, the House was called to order at 5 o'clock and 4 minutes by the Speaker.

RESIGNATION FROM A COMMITTEE

The SPEAKER laid before the House the following communication, which was read:

The HON. HENRY T. RAINEY,

*Speaker of the House of Representatives,
Washington, D. C.*

MY DEAR MR. SPEAKER: Due to the fact that the States west of the Mississippi River received no Republican representation on the Committee on Banking and Currency and Rules, I cannot and will not accept the assignment given to me on the Committee on Post Office and Post Roads. This is in keeping with my letters to Mr. SNELL of March 9 and 13, in which I stated that I could not accept any new committee assignments unless the section from whence I come received representation on the committees controlling economic legislation. I therefore respectfully resign from the Committee on the Post Office and Post Roads.

Very truly yours,

HAROLD MCGUGIN.

The SPEAKER. Without objection, the resignation will be accepted.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Horne, its enrolling clerk, announced that the Senate had passed with amend-

ments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 3757. An act to provide for direct loans by Federal Reserve banks to State banks and trust companies in certain cases.

LOANS TO STATE BANKS AND TRUST COMPANIES

Mr. STEAGALL. Mr. Speaker, I call up from the Speaker's table the bill (H.R. 3757) to provide for direct loans by Federal Reserve banks to State banks and trust companies in certain cases, with a Senate amendment thereto, and move to concur in the Senate amendment.

The SPEAKER. The gentleman from Alabama calls up the bill H.R. 3757, with a Senate amendment thereto, which the Clerk will report.

The Clerk read the Senate amendment, as follows:

Strike out all after the enacting clause and insert: "That title IV of the act entitled 'An act to provide relief in the existing national emergency in banking, and for other purposes,' approved March 9, 1933, is amended by adding at the end thereof the following new section:

"SEC. 404. During the existing emergency in banking, or until this section shall be declared no longer operative by proclamation of the President, but in no event beyond the period of 1 year from the date this section takes effect, any State bank or trust company not a member of the Federal Reserve System may apply to the Federal Reserve bank in the district in which it is located and said Federal Reserve bank, in its discretion and after inspection and approval of the collateral and a thorough examination of the applying bank or trust company, may make direct loans to such State bank or trust company under the terms provided in section 10 (b) of the Federal Reserve Act, as amended by section 402 of this act: *Provided*, That loans may be made to any applying nonmember State bank or trust company upon eligible security. All applications for such loans shall be accompanied by the written approval of the State banking department or commission of the State from which the State bank or trust company has received its charter and a statement from the said State banking department or commission that in its judgment said State bank or trust company is in a sound condition. The notes representing such loans shall be eligible as security for circulating notes issued under the provisions of the sixth paragraph of section 18 of the Federal Reserve Act, as amended by section 401 of this act, to the same extent as notes, drafts, bills of exchange, or bankers' acceptances acquired under the provisions of the Federal Reserve Act. During the time that such bank or trust company is indebted in any way to a Federal Reserve bank it shall be required to comply in all respects to the provisions of the Federal Reserve Act applicable to member State banks and the regulations of the Federal Reserve Board issued thereunder: *Provided*, That in lieu of subscriptions to stock in the Federal Reserve bank it shall maintain the reserve balance required by section 19 of the Federal Reserve Act during the existence of such indebtedness. As used in this section and in section 304, the term 'State bank or trust company' shall include a bank or trust company organized under the laws of any State, Territory, or possession of the United States, or the Canal Zone."

"SEC. 2. (a) Section 304 of such act of March 9, 1933, is amended by adding after the first sentence thereof the following new sentences: 'Nothing in this section shall be construed to authorize the Reconstruction Finance Corporation to subscribe for preferred stock in any State bank or trust company if under the laws of the State in which said State bank or trust company is located the holders of such preferred stock are not exempt from double liability. In any case in which under the laws of the State in which it is located a State bank or trust company is not permitted to issue preferred stock exempt from double liability, or if such laws permit such issue of preferred stock only by unanimous consent of stockholders, the Reconstruction Finance Corporation is authorized, for the purposes of this section, to purchase the legally issued capital notes or debentures of such State bank or trust company, having voting rights similar to those herein provided with respect to preferred stock.'

"(b) The second sentence of said section 304 is amended to read as follows: 'The Reconstruction Finance Corporation may, with the approval of the Secretary of the Treasury, and under such rules and regulations as he may prescribe, sell in the open market the whole or any part of the preferred stock, capital notes, or debentures of any national banking association, State bank, or trust company acquired by the corporation pursuant to this section.'

Such section 304 is further amended by adding at the end thereof the following new sentence:

"(c) As used in this section, the term 'State bank or trust company' shall include other banking corporations engaged in the business of industrial banking and under the supervision of State banking departments or of the Comptroller of the Currency."

Amend the title so as to read: "An act to provide for direct loans by Federal Reserve banks to State banks and trust companies in certain cases, and for other purposes."

Mr. STEAGALL. Mr. Speaker, the effect of the action of the Senate on this bill was to adopt in toto the provisions of the House bill with three amendments. The first provides for the inclusion in the act of any Territory or possession of the United States. The second provides that the Reconstruction Finance Corporation shall not be permitted to purchase preferred stock in banks where the governing law imposes upon stockholders a double liability, but in States where statutory regulations of that sort are in effect to permit the purchase of capital notes and debentures of such banks in order to accomplish the aid to State banks contemplated in the original legislation.

The third amendment embodied in the substitute passed by the Senate authorizes the Reconstruction Finance Corporation to sell any preferred stock or debentures or obligations purchased. The other amendment is designed to include any kind of industrial bank or other banking institution not embraced in the provisions of the original bill which is under the control of State banking authorities or the Comptroller of the Currency. All of these amendments are recognized as desirable by the Banking and Currency Committee of the House. They accomplish what we regard as desirable additions to the bill passed by the House.

Mr. LOZIER. Mr. Speaker, will the gentleman yield?

Mr. STEAGALL. Yes.

Mr. LOZIER. In some States, Missouri included, banks are by the constitution prohibited from issuing preferred stock, except by the unanimous consent of all of the stockholders. I understand the amendment to which the gentleman refers takes care of the Missouri situation by authorizing the acceptance by Federal Reserve banks of capital notes and debentures issued by State banks on which the Federal Reserve banks may make loans to nonmember State banks.

Mr. STEAGALL. Quite true.

Mr. LOZIER. And the amendment originally suggested by the Senate requiring these capital notes and debentures to have the voting privilege has been eliminated and is not now in the bill.

Mr. STEAGALL. That is my understanding. I will say to the gentleman in that connection that under the provisions of the original Emergency Banking Act passed on March 9, the Reconstruction Finance Corporation was authorized to purchase preferred stock not alone in national banks or member banks of the Federal Reserve System but in nonmember banks as well, or to make loans on the preferred stock of banks.

I suggest to the gentleman from Missouri and to other gentlemen who may be confronted with situations similar to that which exist in Missouri that we tried in the hurried way in which we went about amending the original Emergency Bank Act to anticipate these difficulties. We adopted an amendment authorizing loans on preferred stock, and I will say to the gentleman from Missouri that it seems to me the provision for loans provides a method by which to meet those difficulties.

Mr. CROWE. Will the gentleman yield?

Mr. STEAGALL. I yield.

Mr. CROWE. I did not understand the answer with respect to States which have double liability to the stockholders.

Mr. STEAGALL. The Reconstruction Finance Corporation is not permitted to subscribe for stock in States where they have double liability.

Mr. CROWE. How will those States get their aid?

Mr. STEAGALL. They get it by selling their capital bonds and debentures in lieu of preferred stock.

Mr. LUCE. Will the gentleman yield?

Mr. STEAGALL. I will gladly yield.

Mr. LUCE. Mr. Speaker, it probably devolves upon me to say that, as best I could make out, the amendments that have been presented would be acceptable to all members of the Committee on Banking and Currency; but, at the same time, trying to keep within the rules, I would call attention to the fact that in the opening of the debate in another

branch yesterday certain gentlemen saw fit to give the House Committee on Banking and Currency a slap on the wrist. In all comity and good nature I shall refrain from commenting upon that, but would have it a matter of record that another branch saw fit to destroy the whole House bill and substitute one of its own, instead of using the normal and natural and simple course of adding an amendment.

Mr. STEAGALL. I think perhaps I should state that there were peculiar reasons for the action of the House in not amending the bill passed by the Senate and which was before this body, instead of passing the House bill. It was very desirable that we should incorporate in this legislation the provisions which were adopted by the Senate as amendments to this bill.

When the House bill was passed as an original bill and sent to the Senate, instead of having been passed as a substitute for the Senate bill, it was regarded as quite desirable that the bill should embody the provisions which have been included in the Senate substitute, but it was thought by some of us unwise to attempt to amend the bill on the floor in the short time in which it was considered desirable to pass the measure. In view of the fact that the amendments that were regarded as desirable were introduced and pending in the Senate and not included in the House bill nor in the bill passed by the Senate, it was thought best to pass the House bill and let the measure take the course which it has taken. There certainly was no thought of the slightest discourtesy toward the Senate.

Mr. BRIGGS. Will the gentleman yield?

Mr. STEAGALL. I yield.

Mr. BRIGGS. Irrespective of where the measure originated in all of its aspects, whether in one body or another of the Congress, does the gentleman feel that the legislation now presented for adoption is adequate to meet the situation with reference to State banks?

Mr. STEAGALL. The bill provides that State, nonmember banks, and trust companies may obtain loans through Federal Reserve banks in the same way that member banks are permitted to obtain such loans under section 402 of the original Emergency Banking Act; and State nonmember banks and trust companies have a right, upon the same basis, to apply for loans, tendering noneligible or eligible paper, which may be used by Federal Reserve banks as a basis for Federal Reserve bank notes just as may be done in the case of member banks of the Federal Reserve System. In other words, we provide that nonmember banks may have the benefits of emergency currency.

If this law is administered in accordance with the purpose of Congress and those who are responsible for its enactment, it will afford relief to thousands of State banks and trust companies not members of the Federal Reserve System that are left at great disadvantage under the provisions of the original Emergency Act, which extended the right to obtain emergency currency to member banks alone. I assume the law will be fairly and sympathetically administered. I believe it is safe to say to the country that the administration will see that it is administered in accordance with the intention of Congress. It should bring a large measure of relief to communities served by those banks.

Mr. HANCOCK of North Carolina. The chairman has ably and adequately in the last part of his remarks almost fully covered my thoughts and the points I desired to call to your attention. I desire that they be clearly understood by every Member. As I understand it, the efficacy and usefulness of this measure to nonmember State banks will depend almost entirely upon the way it is administered, and unless there is an immediate change in the attitude of those who have heretofore controlled the financial policy of the Federal Reserve System, State banks can hope for but little assistance under this act. In this hour hard and rigid rules and practices should be tempered with sympathetic judgment and plain common sense.

Mr. STEAGALL. I do not desire to indulge in criticism of anybody. The Federal Reserve System will administer

this legislation through the same instrumentalities and agencies that administer the law as to member banks.

Mr. CANNON of Missouri. Mr. Speaker, will the gentleman yield for a question?

Mr. STEAGALL. I yield.

Mr. CANNON of Missouri. Would it be apropos to inquire if the committee has in contemplation a program which will afford the House an opportunity to supplement this measure with legislation providing for the guaranty of bank deposits?

Mr. STEAGALL. I am not going to make a speech on that subject, but I will say to the gentleman that he knows how deeply interested I am in legislation to establish a system for the guaranty of deposits in the banks of this country. I am not without reasonable hope that at no distant day we shall be able to accomplish very desirable results in that connection. [Applause.]

Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to.

On motion of Mr. STEAGALL, a motion to reconsider the vote by which the Senate amendment was concurred in was laid on the table.

Mr. BYRNS. Mr. Speaker, I offer the following resolution and move its adoption.

The Clerk read as follows:

House Resolution 74

Resolved, That notwithstanding the adjournment of the House, the Speaker be, and he is hereby, authorized to sign the enrolled bill of the House, H.R. 3757.

The resolution was agreed to.

On motion of Mr. BYRNS, a motion to reconsider the vote by which the resolution was agreed to was laid on the table.

SALE OF BEER IN THE DISTRICT OF COLUMBIA

Mr. BLACK. Mr. Speaker, I ask unanimous consent that the Clerk be authorized to make any necessary clerical revision in the District beer bill that was passed today.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

ADJOURNMENT

Mr. BYRNS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 25 minutes p.m.) the House, under its previous order, adjourned until Monday, March 27, 1933, at 12 o'clock noon.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. LLOYD: A bill (H.R. 4098) to establish a national cemetery within the Fort Lewis Military Reservation, State of Washington; to the Committee on Military Affairs.

By Mr. SHANNON: A bill (H.R. 4099) to establish a holiday to be known as "Jefferson's birthday"; to the Committee on the District of Columbia.

By Mr. SWEENEY: A bill (H.R. 4100) to permit payment of any sum under the Civil Service Retirement Act to a deceased employee or a former employee who has become incompetent where no demand has been made by an administrator, executor, or guardian; to the Committee on the Civil Service.

Also, a bill (H.R. 4101) to promote substitute clerks and carriers; to the Committee on the Post Office and Post Roads.

By Mr. PATMAN: A bill (H.R. 4102) to provide for "ounce" coins and "ounce" Treasury notes to revive world trade and commerce and to make possible the payment of debts, foreign and domestic; to the Committee on Coinage, Weights, and Measures.

Also, a bill (H.R. 4103) to provide that income war-profits and excess-profits tax returns, including refunds, credits, and abatements, shall constitute public records; to the Committee on Ways and Means.

By Mr. HUDDLESTON: A bill (H.R. 4104) to regulate the transportation of persons and property in interstate and foreign commerce by motor carriers operating on the public highways; to the Committee on Interstate and Foreign Commerce.

By Mr. FULLER: A bill (H.R. 4105) to abolish the Federal Farm Board, and for other purposes; to the Committee on Agriculture.

By Mr. KENNEY: A bill (H.R. 4106) to amend the Reconstruction Finance Corporation Act so as to provide further protection for loans made thereunder; to the Committee on Banking and Currency.

By Mr. CONDON: A bill (H.R. 4107) to repeal the tax on bank checks, drafts, and orders for the payment of money; to the Committee on Ways and Means.

By Mr. McSWAIN: A bill (H.R. 4108) to authorize the correction of military records; to the Committee on Military Affairs.

By Mr. RAMSAY: A bill (H.R. 4109) to permit the State of West Virginia to bring suit against the United States; to the Committee on the Judiciary.

By Mr. JAMES: A bill (H.R. 4110) providing for loans or advances by the Reconstruction Finance Corporation for the purpose of securing the postponement of the foreclosure of certain mortgages for a period of 2 years, and for other purposes; to the Committee on Banking and Currency.

By Mr. McCLINTIC: A bill (H.R. 4111) relating to the classified civil service; to the Committee on the Civil Service.

By Mr. DIES: A bill (H.R. 4112) to provide for the exclusion and expulsion of alien communists; to the Committee on Immigration and Naturalization.

By Mr. MARTIN of Massachusetts: A bill (H.R. 4113) to classify in the civil service employees in post offices of the third class; to the Committee on the Civil Service.

By Mr. DIES: A bill (H.R. 4114) to further restrict immigration into the United States; to the Committee on Immigration and Naturalization.

By Mr. SIROVICH: A bill (H.R. 4115) to provide protection by registration of designs for textiles and other materials; to the Committee on Patents.

By Mr. DUNN: A bill (H.R. 4116) relating to labor and prohibiting the employment of persons for more than 6 hours in any one day or more than 5 days in any one week, and providing penalties for violations thereof; to the Committee on Labor.

By Mr. McCLINTIC: A bill (H.R. 4117) authorizing an appropriation to reimburse the State of Oklahoma for money paid for the education of restricted Indian children in the public schools of the said State; to the Committee on Indian Affairs.

Also, a bill (H.R. 4118) to amend an act approved September 26, 1914, known as "the Federal Trade Commission Act" to the Committee on Interstate and Foreign Commerce.

Also, a bill (H.R. 4119) regulating the operation of motor trucks and busses; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H.R. 4120) authorizing the Secretary of Agriculture to make disposition of certain public funds; to the Committee on Agriculture.

Also, a bill (H.R. 4121) providing regulations governing the sale of foreign securities in the United States; to the Committee on the Judiciary.

Also, a bill (H.R. 4122) to repeal the act of July 13, 1926; to the Committee on the Public Lands.

Also, a bill (H.R. 4123) providing for a minimum marketing price for certain agriculture products; to the Committee on Agriculture.

Also, a bill (H.R. 4124) relating to retirement of certain employees of the Government; to the Committee on the Civil Service.

Also, a bill (H.R. 4125) authorizing the decommissioning of all battleships; to the Committee on Naval Affairs.

Also, a bill (H.R. 4126) to provide that the Reconstruction Finance Corporation shall make loans to farmers on the

security of first mortgages, and for other purposes; to the Committee on Banking and Currency.

By Mr. GASQUE: A bill (H.R. 4127) to extend the time for the construction of a bridge across the Waccamaw River near Conway, S.C.; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H.R. 4128) granting the consent of Congress to the State of South Carolina to construct, maintain, and operate a bridge across the Waccamaw River; to the Committee on Interstate and Foreign Commerce.

By Mr. DINGELL: A bill (H.R. 4129) to provide for the appointment of an additional district judge for the eastern district of Michigan; to the Committee on the Judiciary.

Also, a bill (H.R. 4130) authorizing the erection of a memorial to Brig. Gen. Casimir Pulaski at Savannah, Ga.; to the Committee on the Library.

By Mr. HOEPEL: A bill (H.R. 4131) to amend all existing United States laws pertaining to pensions, grants, or annuities, to provide economies and establish equalities; to the Committee on Pensions.

Also, a bill (H.R. 4132) to amend the act of May 7, 1932, to provide equality in promotion, without increase in pay or allowances; to the Committee on Military Affairs.

By Mr. GASQUE: A bill (H.R. 4133) to give depositors the right to liquidate banks in certain cases; to the Committee on Banking and Currency.

By Mr. McSWAIN: A bill (H.R. 4134) to authorize the Secretary of War to sell or dispose of certain surplus real estate of the War Department; to the Committee on Military Affairs.

Also, a bill (H.R. 4135) to authorize the acquisition of additional land for the use of Walter Reed General Hospital; to the Committee on Military Affairs.

By Mr. HOEPEL: A bill (H.R. 4136) to authorize the Secretary of War to fix the pay grade of enlisted men of the Army and the Marine Corps retired before July 1, 1920; to the Committee on Military Affairs.

By Mr. BROWN of Michigan: Joint resolution (H.J.Res. 114) directing the President to proclaim October 11 of each year General Pulaski's Memorial Day, for the observance and commemoration of the death of Brig. Gen. Casimir Pulaski; to the Committee on the Judiciary.

Also, a joint resolution (H.J.Res. 115) authorizing the issuance of a special postage stamp in honor of Brig. Gen. Thaddeus Kosciuszko; to the Committee on the Post Office and Post Roads.

By Mr. MALONEY of Connecticut: Joint resolution (H.J.Res. 116) authorizing the issuance of a special postage stamp in honor of Brig. Gen. Thaddeus Kosciuszko; to the Committee on the Post Office and Post Roads.

By Mr. SHALLENBERGER: Joint resolution (H.J.Res. 117) to honor John Philip Sousa by designating The Stars and Stripes Forever the national march; to the Committee on the Judiciary.

By Mr. DICKSTEIN: Joint resolution (H.J.Res. 118) to provide for the return to the Philippine Islands of unemployed Filipinos resident in the continental United States, to authorize appropriations to accomplish that result, and for other purposes; to the Committee on Immigration and Naturalization.

By Mr. DIES: Joint resolution (H.J.Res. 119) further restricting immigration into the United States; to the Committee on Immigration and Naturalization.

By Mr. DINGELL: Joint resolution (H.J.Res. 120) to restrict the employment of alien commuting labor; to the Committee on Immigration and Naturalization.

By Mr. McCLINTIC: Concurrent resolution (H.Con.Res. 8) creating the Joint Committee of Congress to Investigate the Various Bureaus and Departments of the Government for the Purpose of Bringing About any Necessary Consolidations, the Abolishment of any Bureaus, and the Reduction of Operating Personnel; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDREWS of New York: A bill (H.R. 4137) for the relief of the J. N. Adam Memorial Hospital; to the Committee on Claims.

By Mr. BOYLAN: A bill (H.R. 4138) authorizing the President to present a medal of honor to Monsignor John P. Chidwick; to the Committee on Naval Affairs.

By Mr. BRIGGS: A bill (H.R. 4139) to confer the medal of honor for service in the Philippine insurrection on William O. Trafton; to the Committee on Military Affairs.

By Mr. BUCKBEE: A bill (H.R. 4140) granting an increase of pension to Sarah Alice Belrose; to the Committee on Invalid Pensions.

By Mr. BURCH: A bill (H.R. 4141) to amend the act entitled "An act for the relief of contractors and subcontractors for the post office and other buildings and work under the supervision of the Treasury Department, and for other purposes", approved August 25, 1919, as amended by act of March 6, 1920; to the Committee on Claims.

By Mr. BURNHAM: A bill (H.R. 4142) for the relief of John H. McNulty; to the Committee on Naval Affairs.

By Mr. CAVICCHIA: A bill (H.R. 4143) to confer jurisdiction on the Court of Claims to hear and determine the claim of A. C. Messler Co.; to the Committee on Claims.

By Mr. DIES: A bill (H.R. 4144) for the relief of Horace Wilberdean Jones; to the Committee on Military Affairs.

By Mr. DUNCAN of Missouri: A bill (H.R. 4145) granting a pension to Mary C. Wilkerson; to the Committee on Invalid Pensions.

Also, a bill (H.R. 4146) granting a pension to Jane S. Murphy; to the Committee on Invalid Pensions.

By Mr. EATON: A bill (H.R. 4147) for the relief of William Sulem; to the Committee on Claims.

By Mr. EDMONDS: A bill (H.R. 4148) for the relief of the Ancona Printing Co., Inc.; to the Committee on Claims.

By Mr. HUDDLESTON: A bill (H.R. 4149) for the relief of Lafayette Hunter; to the Committee on Military Affairs.

By Mr. KNIFFIN: A bill (H.R. 4150) granting a pension to Charles F. Boroff; to the Committee on Invalid Pensions.

By Mr. KRAMER: A bill (H.R. 4151) correcting the date of enlistment of Elza Bennett in the United States Navy; to the Committee on Naval Affairs.

By Mr. LARRABEE: A bill (H.R. 4152) for the relief of Templeton Livingston; to the Committee on Military Affairs.

Also, a bill (H.R. 4153) granting a pension to John E. Mann; to the Committee on Pensions.

Also, a bill (H.R. 4154) granting a pension to Clarence E. Crane; to the Committee on Pensions.

Also, a bill (H.R. 4155) granting an increase of pension to Julia P. Kiess; to the Committee on Invalid Pensions.

By Mr. McCLINTIC: A bill (H.R. 4156) granting a pension to William M. Caplinger; to the Committee on Pensions.

Also, a bill (H.R. 4157) for the relief of Earl J. Babcock; to the Committee on Military Affairs.

Also, a bill (H.R. 4158) granting a pension to Robert E. Jones; to the Committee on Pensions.

Also, a bill (H.R. 4159) granting an increase of pension to Minerva E. Herren; to the Committee on Invalid Pensions.

Also, a bill (H.R. 4160) granting an increase of pension to Mary E. Derrick; to the Committee on Invalid Pensions.

By Mr. McCORMACK: A bill (H.R. 4161) regulating repair work on any vessel of the United States Navy; to the Committee on Naval Affairs.

Also, a bill (H.R. 4162) for the relief of Francis Louis Nourse; to the Committee on Naval Affairs.

Also, a bill (H.R. 4163) for the relief of John P. Hurley; to the Committee on Naval Affairs.

By Mr. McKEOWN: A bill (H.R. 4164) for the relief of Stanwaity Killcrease; to the Committee on Naval Affairs.

Also, a bill (H.R. 4165) for the relief of Harvey Stump; to the Committee on Naval Affairs.

By Mr. MALONEY of Louisiana: A bill (H.R. 4166) granting a pension to Edith Chambers Feehan; to the Committee on Pensions.

By Mr. MEAD: A bill (H.R. 4167) to authorize the appointment of Capt. Byron B. Daggett, retired, to the grade

of major, retired, in the United States Army; to the Committee on Military Affairs.

By Mr. PARSONS: A bill (H.R. 4168) granting a pension to Claud Stine; to the Committee on Invalid Pensions.

By Mr. PEAVEY: A bill (H.R. 4169) for the relief of John H. Lokemoen; to the Committee on Claims.

Also, a bill (H.R. 4170) for the relief of E. H. Estabrook; to the Committee on Claims.

Also, a bill (H.R. 4171) for the relief of Phillips Creamery Co., Inc.; to the Committee on Claims.

Also, a bill (H.R. 4172) for the relief of Julius A. Geske; to the Committee on Claims.

Also, a bill (H.R. 4173) for the relief of Edward M. Stefenson; to the Committee on Claims.

Also, a bill (H.R. 4174) for the relief of Roy O. Stefenson; to the Committee on Claims.

Also, a bill (H.R. 4175) for the relief of Oscar C. Olson; to the Committee on War Claims.

Also, a bill (H.R. 4176) for the relief of Harry A. Rutherford; to the Committee on Military Affairs.

Also, a bill (H.R. 4177) for the relief of D. E. Lamon; to the Committee on Claims.

Also, a bill (H.R. 4178) for the relief of Leon John Mahoney; to the Committee on Naval Affairs.

Also, a bill (H.R. 4179) for the relief of Frederic Foss; to the Committee on Military Affairs.

Also, a bill (H.R. 4180) for the relief of Guy Goodin; to the Committee on War Claims.

Also, a bill (H.R. 4181) for the relief of Henry A. Behrens; to the Committee on Military Affairs.

Also, a bill (H.R. 4182) for the relief of Alta Crofoot; to the Committee on Invalid Pensions.

Also, a bill (H.R. 4183) granting an increase of pension to Olive Dupree; to the Committee on Invalid Pensions.

Also, a bill (H.R. 4184) granting an increase of pension to Sarah Saint Germain; to the Committee on Invalid Pensions.

Also, a bill (H.R. 4185) granting an increase of pension to Adeline Boldus; to the Committee on Invalid Pensions.

Also, a bill (H.R. 4186) granting an increase of pension to Sarah A. Dearborn; to the Committee on Invalid Pensions.

Also, a bill (H.R. 4187) granting a pension to Harvey L. Pierce; to the Committee on Pensions.

By Mr. SHANNON: A bill (H.R. 4188) for the relief of Albert P. Dunbar; to the Committee on Military Affairs.

Also, a bill (H.R. 4189) for the relief of Charles Cubberly; to the Committee on Military Affairs.

Also, a bill (H.R. 4190) for the relief of Joseph W. Zorn; to the Committee on Military Affairs.

Also, a bill (H.R. 4191) for the relief of Clara Fitzgerald; to the Committee on Claims.

Also, a bill (H.R. 4192) for the relief of John F. Carlow; to the Committee on Military Affairs.

Also, a bill (H.R. 4193) for the relief of William George O'Neal; to the Committee on Naval Affairs.

Also, a bill (H.R. 4194) for the relief of Harry W. Hall; to the Committee on Military Affairs.

Also, a bill (H.R. 4195) for the relief of Carl A. Barzen; to the Committee on Military Affairs.

Also, a bill (H.R. 4196) for the relief of Helen Marie Lewis; to the Committee on Claims.

Also, a bill (H.R. 4197) for the relief of George W. Wormington; to the Committee on Military Affairs.

Also, a bill (H.R. 4198) granting a pension to Levi Clark; to the Committee on Pensions.

Also, a bill (H.R. 4199) granting a pension to Belle Hill; to the Committee on Invalid Pensions.

Also, a bill (H.R. 4200) granting a pension to Charles Arthur Collins; to the Committee on Pensions.

Also, a bill (H.R. 4201) granting a pension to Cloe I. B. Wiggins; to the Committee on Invalid Pensions.

Also, a bill (H.R. 4202) granting a pension to Mary E. Harper; to the Committee on Invalid Pensions.

Also, a bill (H.R. 4203) granting a pension to Hattie M. Warner; to the Committee on Invalid Pensions.

Also, a bill (H.R. 4204) granting a pension to George W. Wormington; to the Committee on Pensions.

Also, a bill (H.R. 4205) granting a pension to Jesse E. Lampkin; to the Committee on Invalid Pensions.

Also, a bill (H.R. 4206) granting a pension to Edward A. Price; to the Committee on Pensions.

Also, a bill (H.R. 4207) giving jurisdiction to the Court of Claims to hear and determine the claim of the Cherokee Fuel Co.; to the Committee on Claims.

By Mr. SMITH of West Virginia: A bill (H.R. 4208) for the relief of Benjamin Yarborough; to the Committee on Military Affairs.

By Mr. SNYDER: A bill (H.R. 4209) granting a pension to Malissa Hoover; to the Committee on Pensions.

Also, a bill (H.R. 4210) granting a pension to Josephine Rutter; to the Committee on Invalid Pensions.

By Mr. TAYLOR of South Carolina: A bill (H.R. 4211) granting a pension to Paul T. King; to the Committee on Pensions.

By Mr. TRAEGER: A bill (H.R. 4212) for the relief of Theodore H. Abel, Jr.; to the Committee on Military Affairs.

Also, a bill (H.R. 4213) for the relief of George McCourt; to the Committee on Military Affairs.

By Mr. WADSWORTH: A bill (H.R. 4214) for the relief of Charles A. Hamilton; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

165. By Mr. CONNERY: Petition of the Revere City Council, protesting against the policy of Germany in establishing an anti-Jewish program; to the Committee on Foreign Affairs.

166. By Mr. FOSS: Resolution adopted by the House of Representatives of the Commonwealth of Massachusetts, urging Congress to regulate the hours and wages of persons employed in manufacturing and industrial establishments; to the Committee on Labor.

167. By Mr. PATMAN: Petition of S. T. Snead, chairman citizenship and temperance committee, National City Christian Church, Washington, D.C., protesting against the passage of any bill to legalize beer or other beverages prohibited by the Constitution, which embodies a copy of telegram sent to President Roosevelt upon learning of his message regarding beer to the Congress; to the Committee on the District of Columbia.

168. By Mr. RUDD: Petition of Colonial Works, Brooklyn, N.Y., protesting against the manufacture of paints and varnishes in Government navy yards; to the Committee on Expenditures in the Executive Departments.

SENATE

MONDAY, MARCH 27, 1933

(Legislative day of Monday Mar. 13, 1933)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

THOMAS D. SCHALL, a Senator from the State of Minnesota, appeared in his seat today.

The VICE PRESIDENT. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Haltigan, one of its clerks, announced that the House had agreed to the amendments of the Senate to the bill (H.R. 3757) to provide for direct loans by Federal Reserve banks to State banks and trust companies in certain cases.

CALL OF THE ROLL

Mr. LEWIS. Mr. President, I make the suggestion of the absence of a quorum and ask a roll call.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Costigan	La Follette	Robinson, Ark.
Ashurst	Couzens	Lewis	Robinson, Ind.
Austin	Dickinson	Logan	Russell
Bachman	Dieterich	Loneragan	Schall
Bankhead	Dill	Long	Sheppard
Barbour	Erickson	McAdoo	Shipstead
Barkley	Fess	McCarran	Smith
Black	Fletcher	McGill	Steiwer
Bone	Frazier	McKellar	Stephens
Borah	George	McNary	Thomas, Okla.
Brown	Goldsborough	Metcalf	Thomas, Utah
Bulkley	Gore	Murphy	Townsend
Bulow	Hale	Neely	Trammell
Byrd	Harrison	Norbeck	Tydings
Byrnes	Hastings	Norris	Vandenberg
Capper	Hatfield	Nye	Van Nuys
Caraway	Hayden	Overton	Wagner
Carey	Hebert	Patterson	Walcott
Clark	Johnson	Pittman	Walsh
Connally	Kendrick	Pope	Wheeler
Coolidge	Keyes	Reed	White
Copeland	King	Reynolds	

Mr. REED. I desire to announce that my colleague the junior Senator from Pennsylvania [Mr. DAVIS] is still detained from the Senate on account of illness.

Mr. LEWIS. Permit me to announce, sir, that the senior Senator from New Mexico [Mr. BRATTON] is absent on official business, and that the senior Senator from North Carolina [Mr. BAILEY] is necessarily detained from the Senate. I ask that the announcement remain for the day.

I also desire to announce that the Senator from Wisconsin [Mr. DUFFY] is necessarily detained from the Senate by illness in his family. I will let this announcement stand for the day.

Mr. BYRD. I wish to announce that my colleague the senior Senator from Virginia [Mr. GLASS] is unavoidably detained.

Mr. HEBERT. The senior Senator from Vermont [Mr. DALE], the senior Senator from New Jersey [Mr. KEAN], and the junior Senator from New Mexico [Mr. CUTTING] are necessarily absent.

The VICE PRESIDENT. Eighty-seven Senators having answered to their names, a quorum is present.

SIGNING OF ENROLLED BILL H.R. 3757

The VICE PRESIDENT. The Chair desires to announce that, under authority of the order of the Senate agreed to on Thursday last, he signed, on the 24th instant, the enrolled bill (H.R. 3757) to provide for direct loans by Federal Reserve banks to State banks and trust companies in certain cases, and for other purposes, said bill having previously been signed by the Speaker of the House of Representatives and reported by the Committee on Enrolled Bills as having been examined and found truly enrolled, and that it was delivered to the committee to be presented to the President of the United States.

MANUFACTURE AND SALE OF BEVERAGES IN THE DISTRICT OF COLUMBIA

The Chair also desires to announce that, under further authority of said order of Thursday last, he referred, on the 24th instant, to the Committee on the District of Columbia the bill (H.R. 3342) to provide revenue for the District of Columbia by the taxation of beverages, and for other purposes, passed by the House of Representatives and received by the Secretary of the Senate under authority of the said order.

RELIEF OF UNEMPLOYMENT

Mr. WALSH. Mr. President, from the Committee on Education and Labor I report back favorably, with an amendment in the nature of a substitute, the bill (S. 598) for the relief of unemployment through the performance of useful public work, and for other purposes.

Mr. ROBINSON of Arkansas. Mr. President, I ask that the bill be read, and that the Senate proceed with its consideration.

The VICE PRESIDENT. Is there objection?

Mr. McNARY. Mr. President, under the rule it would require unanimous consent to grant the Senator's request?

Mr. ROBINSON of Arkansas. Yes.

Mr. McNARY. The bill has been available only since the call of the roll a few moments ago. A number of Senators